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भारत का राजपत्र

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सं. 35]

नई दिल्ली, शनिवार, अगस्त 31, 1985/भाद्र 9, 1907

No. 35]

NEW DELHI, SATURDAY, AUGUST 31, 1985/BHADRA 9, 1907

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह मतलब संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय के लिए कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गये सांविधिक आदेश और अधिकारियाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the
Ministry of Defence)

विविध और न्याय मंत्रालय

(विविध कार्य विभाग)

नई दिल्ली 12 अगस्त 1985

मुख्यमान

का आ. 4022—नोटरीज नियम, 1956 के नियम 6 के प्रत्येक
मंत्रालय प्राधिकारी द्वारा यह मूलनांद जारी है कि श्री वीरेन्द्र पिंड बादवार
प्रॉड्यूक्ट एंड एंटरप्रार्स, 32-वी मन मार्ग, अलवर-301001 ने उक्त प्राधिकारी को
उक्त नियम के नियम 4 के प्रधान एक आवेदन इस बात के लिए दिया है
कि उसे अलवर (जिला) अवधार कर्त्ता के नियम संस्कार के रूप में नियम
दिया जाए।

2 उक्त व्यक्ति का नोटरीज के रूप में नियकित पर किसी भी प्रकार
का आंतरिक इस मूलनांद के प्रत्येक दिन के भीतर लिखित रूप
में संहिता भेजा जाए।

[सं. एफ. 5(26)/85 ना]

MINISTRY OF LAW & JUSTICE

(Department of Legal Affairs)

New Delhi, the 12th August, 1985

NOTICES

S.O. 4022.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Virendra Singh Badhwar, Advocate, 32-B, Menu Marg, Alwar-301001, for appointment as a Notary to practise in Alwar District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(26)/85-Jud1]

नई दिल्ली, 13 अगस्त, 1985

का आ. 4022—नोटरीज नियम, 1956 के नियम 6 के अनुग्रह में
ग्राम प्राधिकारी द्वारा यह मूलनांद जारी है कि श्री गंगुली बहार
प्रॉड्यूक्ट, 118 महाला गांधी मार्ग, कलकत्ता-7 ने उक्त प्राधिकारी
को उक्त नियम के नियम 4 के प्रधान एक आवेदन इस बात के लिए

दिया जाता है कि उसे कलकत्ता और हावड़ा व्यवसाय करने के लिए नोटरी के स्पष्ट में नियुक्त किया जाए।

2 उक्त व्यक्ति की नोटरी के स्पष्ट में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर विविध स्पष्ट में सेरे पास भेजा जाए।

[म. एफ. 5(27)/85-न्या]

New Delhi, the 13th August, 1985

S.O. 4023.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rajkumar Khattri, Advocate, 118, Mahatma Ghandi Road, Calcutta-7, for appointment as a Notary to practise in Calcutta & Howrah.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(27)/85-Judl.]

का आ० ४०२३-नोटरी के स्पष्ट में नियम 6 के अनुसार में अक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अमल कृष्ण दत्त, पड़वोकेट पैड मालिमिटिंग, एम एस. मार्टिल पैड पार्किंग सार्किनिशर पैड पड़वोकेट, 6 ओल्ड पोस्ट ऑफिस स्ट्रीट कलकत्ता-700029 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक अवैदेत इस बात के लिए दिया जाता है कि उसे पूरे भारतवर्ष में व्यवसाय करने के लिए नोटरी के स्पष्ट में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के स्पष्ट में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर विविध स्पष्ट में सेरे पास भेजा जाए।

[म. एफ. 5(23)/85-न्या]
गम ग्रन्त, मध्यम प्राधिकारी

S.O. 4024.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Amal Krishna Dutt, Advocate & Solicitor C/o M/s. Mallick & Palit, Solicitors & Advocates, 6, Old Post Office Street, Calcutta-700029, for appointment as a Notary to practise in throughout India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(23)/85-Judl.]

S. GOOPTU, Competent Authority

वित्त मंत्रालय

(गजम्बव विभाग)

मई दिनांक 19 जुलाई, 1985

(अधिकारी)

का आ० ४०२५-मर्वे संश्लेषण की जानकारी के लिए एनद्वारा अधिसूचित किया जाता है कि वित्त मंत्रालय (गजम्बव और बीमा विभाग) की दिनांक 23-9-1972 की अधिसूचना संख्या 163 (फा०म० 203/26/72-आ०क०नि०-II) द्वारा आकार अधिनियम, 1961 की धारा 35 (1) (ii) के अन्तर्गत जैविक लेबर रिजेस्ट्रेशन इंसिट्यूट जमशेदपुर के कड़ मार्केटिंग में दर को प्रदान किये गये अनुसूचित को दिनांक 5-3-1985 से एनद्वारा वापस लिया जाता है।

[मंद्या 6335/फा०म० 203/129/85-आ०क०नि०-II]

MINISTRY OF FINANACE

(Department of Revenue)

New Delhi, the 19th July, 1985

INCOME-TAX

S.O. 4025.—It is hereby notified for general information that approval granted to Food Marketing Centre of the Xavier Labour Relations Institute, Jamshedpur under section 35(1)(ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue and Insurance) Notification No. 165 (F. No. 203/26/72-ITA. II) dated 28-8-1972, is hereby withdrawn with effect from 5-3-1985.

[No. 6335/F. No. 203/129/85-ITA. II]

का०आ० ४०२६-मर्वे संश्लेषण की सूचना के लिए एनद्वारा अधिसूचित किया जाता है कि वित्त मंत्रालय (गजम्बव और बीमा विभाग) के दिनांक 12-12-1973 की अधिसूचना म. 511 (फा०म० 203/57/73-आ०क०नि०-II) द्वारा आकार अधिनियम, 1961 की धारा 35 (1) (ii) के अन्तर्गत पूरा मेडिकल फाउंडेशन पूर्ति को लिए गए अनुमादन की एनद्वारा 31-3-1986 तक सोधित किया जाए।

[मंद्या 6336/फा०म० 203/127/85-आ०क०नि०-II]

S.O. 4026.—It is hereby notified for general information that the approval granted to Poona Medical Foundation, Poona under section 35(1)(ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue and Insurance) Notification No. 511 (F. No. 203/57/73-ITA. II) dated 4-12-1973, is hereby restricted upto 31-3-1986.

[No. 6336/F. No. 203/127/85-ITA. II]
मई दिनांक 23 जुलाई, 1985

का०आ० ४०२७-इस कार्यालय की दिनांक 21-11-1984 की अधिसूचना म. 6047 (फा०म० 203/16/84-आ०क०नि०-II) के मिलमिले में, मर्वे संश्लेषण की जानकारी के लिए एनद्वारा अधिसूचित किया जाता है कि वित्त प्राधिकारी, अर्थव्यवस्था विभाग नई विलीने ने वित्त विवित "संस्था" को आकार अधिनियम, 1962 के नियम 6 के साथ पठित आकार अधिनियम, 1961 की धारा 35 (पैसेंजर/प्रकर्ता/तीन) की उपलब्ध (1) के बंद (iii) के प्रयोगों के लिए "संस्था" पर्वत के अधीन वित्त विवित जारी पर अनुमोदित किया है, अर्थात् ---

1. यह कि मर्वे वित्त संसाधनी, पांचिचेरी बैंकालिक अनुमादन के लिए यह द्वारा यात्रा गणियों का पूर्व क्षेत्र व्यापारी।

2. यह कि उक्त संस्थान यहां वैज्ञानिक प्रयोगसाधन सबंधी लिए करायी को वैज्ञानिक विवरणों विवित प्राधिकारी को प्रत्येक विवरण वर्ती के सरवते प्रति वर्ती 30 प्रत्येक तक प्रत्येक प्रस्तुत वर्ती जो इस प्रयोगसाधन के लिए अधिकारित किया जाए और उसे सन्तुत किया जाए।

3. यह कि उक्त संस्थान आर्टी कुप्रापत्ति वाला व्यक्ति हुए, आपसे संबंधीकर वापसी लेवां की तथा अपनी परिसंरचना, देनदारियां दर्शाने हुए तुलनात्मक के एकान्क प्रति प्रति वर्ती 30 जन तक वित्त प्राधिकारी को प्रस्तुत करेंगा तथा इन दस्तावेजों में से प्रत्येक की एकान्क प्रति प्रति वर्तित आवकार आग्रहक को भेजेगा।

4. यह कि उक्त संस्थान प्रत्येकों को गमालिन के 3 महीने पांचले समयावधि बढ़ाने के लिए केवल प्रत्येक प्रति वर्ती 30 जन तक वित्त प्राधिकारी को अनुसूचित करेंगा। अनुसूचित की वार्ती के बाद प्राप्त आवेदन-पत्र रद्द कर दिया जाएगा।

मंद्या

"ति मर्वे संसाधनी पांचिचेरी "

यह अधिसूचना 1-1-1985 से 31-3-1987 तक की अवधि के लिए प्रभावी है।

[मंद्या 6337/फा०म० 203/79/85-आ०क०नि०-II]
गिर्गिण द्वारा अवर सचिव

New Delhi, the 23rd July, 1985

S.O. 4027.—In continuation of this Office Notification No. 6047 (F. No. 203/46/84-ITA, II) dated 21-11-1984, it is hereby notified for general information that the "Institution" mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) That the The Mother's Service Society, Pondicherry will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets and liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

"The Mother's Service Society, Pondicherry".

This Notification is effective for period from 1-4-1985 to 31-3-1987.

[No. 6337/F. No. 203/79/85-ITA, II]
GIRISH DAVE, Under Secy.

नई दिल्ली 13 अगस्त 1985

ग्राहण

मार्ग

कानून 4028.—भारतीय मालम अधिनियम 1899 (1899 का 2) की धारा 9 की उपाय (1) के प्रत्यक्ष (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने वाले केन्द्रीय सरकार नन्दद्वारा मैं दी गई अधिकारी अपनी नियमित वस्त्रों का याक नैरू लाल बहादुर हजार धात्र मी रुपये और पचास रुपये का संकेत मालम शुल्क अद्वा करने की अनुमित देना है और उक्त कार्यों वाले मालम प्रयाग वर्ष कर्नें नीम लाल धार शर्मा रुपये के कुल मूल्य के निम्नलिखित रुपये पर्याय के तारी रखने के लिए रटाय शुल्क के कारण प्रभाव है।—

- (i) जार करने वाले के अकिन मूल्य वाले 15% आगत विमानवाहन रुपये पर (वी. शुल्का—1982).
- (ii) जार करने वाले रुपये के अकिन मूल्य वाले 13.5% आगत विमानवाहन अपार्टमेंट अपार्टमेंट अपार्टमेंट (वी. शुल्का—1983).
- (iii) यान करने वाले के अकिन मूल्य वाले 15% आगत विमानवाहन अपार्टमेंट अपार्टमेंट अपार्टमेंट (वी. शुल्का—1983).
- (iv) यान करने वाले वाले के अकिन मूल्य वाले 14% निर्जी रुपये में रुपये अपार्टमेंट (वी. शुल्का—1983).
- (v) यान करने वाले वाले के अकिन मूल्य वाले 15% निर्जी रुपये में रुपये अपार्टमेंट (वी. शुल्का—1983).

[प्रांग 30/85-मालम (फार्म 33/31/85-विका)]

मालम अप, अवधि मनिव

New Delhi, the 13th August, 1985

ORDER

STAMPS

S.O. 4028.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. The Bombay Dyeing and Manufacturing Company Ltd., Bombay, to pay consolidated stamp duty of Thirteen lakhs, seventy-two thousand and five hundred rupees and seventy-five paisa only, chargeable on account of stamp duty on the following Debentures, of the total value of eighteen crores, thirty lakhs and eighty rupees only to be issued by the said Company namely :—

- (i) 15 per cent Secured redeemable debentures (B. Series-1982) of the face value of four crores rupees;
- (ii) 13.5 per cent secured redeemable convertible debentures (4 D Series-1983) of the face value of Four crores and eighty rupees;
- (iii) 15 per cent secured redeemable non-convertible debentures (3N-3C Series 1983) of the face value of seven crores rupees;
- (iv) 14 per cent privately placed debenture (U T I Series) of the face value of one crore and thirty lakhs rupees;
- (v) 15 per cent privately placed debentures (A. G. J. Series) of the face value of two crores rupees.

[F. No. 30/85-Stamp-F. No. 33/31/85-ST]
BHAGWAN DAS, Under Secy.

(आधिकार्य क्रियाग)

नई दिल्ली, 12 अगस्त 1985

का अ. 4029:—गण्डपनि, केन्द्रीय निवाल सेवा (वर्गीकरण, नियन्त्रण और व्यवस्था) नियम, 1965 के नियम 34 के माध्य पठित, नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने वाले, मालम सरकार के विन मवालय (आधिकार्य कार्य क्रियाग) के अधिकार में का नि. अ. 627 नार्गेश लाल फार्करी, 1957 का मिलिलिलि और मणोव्वन करने हैं। अधार :—

उक्त अधिकार की प्रान्तुओं में—

- (1) भाग 1 के शीर्षक में "वर्ग 2" पद के स्थान पर "समूह वर्ग" पद रखा जाएगा।
- (2) भाग 2 में—
- (क) शीर्षक में "वर्ग 3" पद के स्थान पर "समूह वर्ग" पद रखा जाएगा,

(ब) "सेक्योरिटी पेपर मिल" शीर्षक और उसके प्रधान प्रविधियों के स्थान पर निम्नलिखित प्रशिक्षियां गयी जाएंगी, अर्थात्:-

(1)

(2)

(3)

(4)

(5)

"सेक्योरिटी पेपर मिल"

उत्पादन, परिवर्तन अथवा जनरल स्टोर में समूह "ग" के अन्तर्गत आने वाली 320-400 रु. और उपर की श्रेणियों में सभी वर्गीकृत समूह "ग" पद (उनसे भिन्न दो नीचे विविधियां उल्लिखित हैं)

यांत्रिक/विशुल/इनेक्टोरिक और उक्करण और इंजीनियरी स्टोर अनुभागों में समूह "ग" के अन्तर्गत आने वाली 320-400 रुपए और उपर की श्रेणियों में सभी वर्गीकृत समूह "ग" पद और अवर्गीकृत श्रीयोगिक पद

प्रयोगशाला में सभी वर्गीकृत समूह "ग" पद श्रीय प्रयोगशाला में समूह "ग" के अन्तर्गत आने वाली 320-400 रु. और उपर की श्रेणियों में सभी अवर्गीकृत श्रीयोगिक पद।

सभी वर्गीकृत समूह "ग" पद, अर्थात् कार्यालय अधिकारी, लेखा-पाल, सामग्र लेखापाल, मूल्य लिपिक, उप लेखापाल, रोकड़िया, सम्पदा अधिकारी, महाप्रबंधक का गोपनीय मंत्रिव, अधेड़ आगुलिपिक, स्टाफ नर्स, अनिन्देशन अधीकारी, केन्टोन पर्यावरण-समूह-लेखापाल, मूल्य सम्पदा, समयपाल और आगुलिपिक।

उत्पादन अनुभाग में सभी अवर्गीकृत श्रीयोगिक पद, अर्थात् मशीन परिवर्तन श्रेणी-3 और मशीन परिवर्तन श्रेणी-4

परिवर्तन अथवा के प्रमाणकरण और नियंत्रण अनुभागों में सभी अवर्गीकृत श्रीयोगिक पद अर्थात् रंगसाज श्रेणी-2, पेपर कर्मकार श्रेणी-1 और पेपर कर्मकार श्रेणी-2

जनरल स्टोर अनुभाग में सभी अवर्गीकृत श्रीयोगिक पद, अर्थात् स्टोरमैन (अर्थ कुशल-3), स्टोरमैन (अर्थ कुशल-2), ड्राइवर (कुशल-3) और अनिन्देशन शामल-सह-एम्बूलेंस ड्राइवर।

इंजीनियरी अनुरक्षण अनुभाग (मैकेनिक) में सभी अवर्गीकृत श्रीयोगिक पद, अर्थात् बड़ई (कुशल-2), रंगसाज (कुशल-2), लौहार (कुशल-2), औजार और स्टोर जारीकर्ता (कुशल-2), सहायक बायलरमन (कुशल-3), सहायक फिटर (कुशल-3), सहायक मॉटर चर्चिकार-सह-पाइप फिटर (कुशल-3), गज (कुशल-3) खरीदी-सह-मैकेनिक, (कुशल-3) बल्डर (कुशल-3) मेट से आटो मैकेनिक (अर्थ कुशल-1), मेट से फिटर (अर्थ-कुशल-1), मुकद्दम (अर्थ कुशल-1) मेट से बायलरमन (अर्थ-कुशल-3) मेट से बड़ई (अर्थ कुशल-2) मेट से नौहार (अर्थ-कुशल-2), मेट से फिटर (अर्थ कुशल-2)।

विद्युत, हैल्डरिनिक और उपकरण अनुभागों में सभी अवर्गीकृत श्रीयोगिक पद, अर्थात् बजार-मिस्ट्री (अर्थ कुशल-3), मेट ने बिजली मिस्ट्री (अर्थ कुशल-2), मैकेनिक (ई एंड आई) (कुशल-3) और मेट से मैकेनिक (ई एंड आई) (अर्थ-कुशल-2)

सभी वर्गीकृत समूह "ग" अर्थात् उच्च श्रेणी लिपिक, निम्न श्रेणी लिपिक, कॉलीन पर्यावरण स्टाफ कार चालक, मूल्य कार्यरमैन, कार्यरमैन और रिकार्ड नाटर।

जनिटर अनुभाग में सभी अवर्गीकृत श्रीयोगिक पद, अर्थात् जनिटर (अनिकुशल-2) महायक जनिटर (कुशल-3) और स्टूडर्ड (अर्थ कुशल-1)

सभी वर्गीकृत समूह "ग" पद अर्थात् भेषज प्रयोगशाला नक्की, एक्सरे लकड़ीकी, महायक नर्स, फैसर और दायरी।

कर्मशाला प्रबंधक

उप महाप्रबंधक

मर्मा (1) से (4)

महाप्रबंधक

कर्मशाला प्रबंधक

मर्मा (1) से (4)

महाप्रबंधक

मूल्य इंजीनियर

उप महाप्रबंधक

मर्मा (1) से (4)

महाप्रबंधक

मूल्य इंजीनियर

मूल्य व्यायनज

उपमहाप्रबंधक

मर्मा (1) से (4)

महाप्रबंधक

प्रशासनिक और

उप महाप्रबंधक

मर्मा (1) से (4)

महाप्रबंधक

मूल्य लेखा अधिकारी

प्रशासनिक और

मर्मा (1) से (4)

महाप्रबंधक

कर्मशाला प्रबंधक

कर्मशाला प्रबंधक

मर्मा (1) से (4)

उप महाप्रबंधक

कर्मशाला प्रबंधक

कर्मशाला प्रबंधक

मर्मा (1) से (4)

उप महाप्रबंधक

मूल्य नियंत्रण

अधिकारी

मर्मा (1) से (4)

उप महाप्रबंधक

कर्मशाला प्रबंधक

कर्मशाला प्रबंधक

मर्मा

उप महाप्रबंधक

मूल्य इंजीनियर

उप मूल्य इंजीनियर

मर्मा (1) से (4)

उप महाप्रबंधक

मूल्य इंजीनियर

(यांत्रिकी)

मर्मा (1) से (4)

उप महाप्रबंधक

मूल्य इंजीनियर

उप मूल्य इंजीनियर

मर्मा (1) से (4)

उप महाप्रबंधक

(यांत्रिकी)

प्रशासनिक और

प्रशासनिक और

मर्मा

उप महाप्रबंधक

मूल्य लेखा अधिकारी

प्रशासनिक और

मर्मा

उप महाप्रबंधक

प्रशासनिक और

प्रशासनिक और

मर्मा

उप महाप्रबंधक

मूल्य लेखा अधिकारी

प्रशासनिक और

मर्मा (1) से (4)

उप महाप्रबंधक

प्रशासनिक और

प्रशासनिक और

मर्मा (1) से (4)

उप महाप्रबंधक

मूल्य लेखा अधिकारी

प्रशासनिक और

मर्मा (1) से (4)

उप महाप्रबंधक

1

2

3

4

5

क्रान्तिकारी नियन्त्रण प्रयोगशाला में सभी वर्गीकृत औद्योगिक पत्र, मुख्य रक्षायनज अर्थात् शिफट टेस्टर एण्ड-II (क्रूजन-III) और मेट मेट टेस्टर (अर्थ क्रूजन-III)

मुख्य रक्षायनज

सभी

उप-महाप्रबंधक

(III) भाग III में,—

(क) शीर्षक में, "बर्न", "IV", पत्र के स्थान पर "मुख्य ध" पत्र रखा जाएगा;

(ख) "सेक्यूरिटी पेपर मिल, द्वाणगामाद्व" शीर्षक और उसके नीचे प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएँगी अधिनियम:—

"सेक्यूरिटी पेपर मिल"

परिकरण अंतर्य में पेपर ब्राव (अकुशल)

भासंशाला प्रबंधक

कर्मशाला प्रबंधक
मुख्य नियन्त्रण
अधिकारी

सभी (i) से (iv)

उप-महाप्रबंधक

जनरल म्डार में मजदूर (अकुशल)

कर्मशाला प्रबंधक

कर्मशाला प्रबंधक
स्टोर अधिकारी

सभी (i) से (iv)

उप-महाप्रबंधक

इंजीनियर (यांत्रिक) अनभाग में भजदूर (अकुशल)

मुख्य इंजीनियर

मुख्य इंजीनियर
उप-मुख्य इंजीनियर
(यांत्रिक)

सभी (i) से (iv)

उप-महाप्रबंधक

इंजीनियर (विद्युत) अनभाग में भजदूर (अकुशल)

मुख्य इंजीनियर

मुख्य इंजीनियर
उप-मुख्य इंजीनियर
(विद्युत)

सभी (i) से (iv)

उप-महाप्रबंधक

इनकान्त्रिक और उपकरण अनुसार में मजदूर (अकुशल)

मुख्य इंजीनियर

मुख्य इंजीनियर
उप-मुख्य इंजीनियर
(विद्युत)

सभी (i) से (iv)

उप-महाप्रबंधक

अपशोधी, माली, सुकाइबाला और कनव बाय

प्रशासनिक और
मुख्य लेक्षा अधिकारीप्रशासनिक और
मुख्य लेक्षा अधिकारी

सभी

उप-महाप्रबंधक

टिलाण: भारत सरकार के वित्त मंत्रालय (प्राथिक कार्यालय) का. नि. आ. स. 627 तारीख 23 फरवरी, 1957 का बाइ में निम्नलिखित द्वारा मण्डित किया गया:—

प्रधिकारिक संख्या	मार्गदर्शक	का. नि. सं.	तारीख
(1) सं. एक 7(66)/सी. एण्ड-वी. /6	1-1-1962	—	—
(2) सं. एक. 8(16)/75-सी. बाई.	28-5-77	—	—
(3) सं. एक. 8(23)/81-सी. बाई.	5-8-82	3267	18-9-82
(4) सं. एक. 4(36)/79-सी. एन. वी.	17-4-1980	1418	24-5-1980

[सं. एक. 8(25)/81-सी. बाई. (एम. वी. एम.)]

सी. जी. पर्याप्त, भवत सचिव

(Department of Economic Affairs)

New Delhi, the 12th June, 1985

S.O. 4029.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (1) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the order of Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated the 28th February, 1957, namely:—

In the Schedule to the said order,—

- in the heading to Part I, for the expression "Class II", the expression "Group B" shall be substituted;
- in Part II,—
 - in the heading, for the expression "Class II", the expression "Group C" shall be substituted;

(b) for the heading "Security Paper Mill" and the entries thereunder, the following entries shall be substituted, namely:

"SECURITY PAPER MILL"

	1	2	3	4	5
All classified Group 'C' posts and unclassified industrial posts (other than those specifically mentioned below) in the grades of Rs. 320-400 and above falling within Group C, in Production, Finishing End and General Stores.	Works Manager	Deputy General Manager Works Manager	All (i) to (iv)	General Manager	
All classified Group 'C' posts and unclassified Industrial posts in the grades of Rs. 320-400 and above falling within Group C, in the Mechanical/Electrical/Electronics and Instrumentation and Engineering Stores Sections.	Chief Engineer	Deputy General Manager Chief Engineer	All (i) to (iv)	General Manager	
All classified Group 'C' posts in the Laboratory and all unclassified industrial posts in the grades of Rs. 320-400 and above falling within Group C, in the Laboratory.	Chief Chemist	Deputy General Manager Chief Chemist	All (i) to (iv)	General Manager	
All classified Group 'C' posts, viz. Office Superintendent, Accountant, Cost Accountant, Head Clerk, Deputy Accountant, Cashier, Estate Custodian, Confidential Secretary to General Manager, Senior Stenographer, Staff Nurses, Fire Superintendent, Canteen Supervisor-cum-Accountant, Head Time Keeper, Time Keeper and Stenographers.	Administrative and Chief Accounts Officer	Deputy General Manager Administrative and Chief Accounts Officer	All (i) to (iv)	General Manager	
All unclassified industrial posts, viz., Machine Attendant Grade-III and Machine Attendant Grade-IV in the Production Section.	Works Manager	Works Manager Deputy Works Manager	All (i) to (iv)	Deputy General Manager	
All unclassified industrial posts, viz., Printer Grade-II, Paper Worker Grade-I and Paper Worker Grade-II in the Process and Control Sections of the Finishing End.	Works Manager	Works Manager Chief Control Officer	All (i) to (iv)	Deputy General Manager	
All unclassified Industrial posts, viz., Storeman (Highly Skilled-III), Stackman (Semi-skilled-II), Driver (Skilled-III) and Fire Fighting-cum-Ambulance Driver in the General Stores Section.	Works Manager	Works Manager Stores Officer	All (i) to (iv)	Deputy General Manager	
All unclassified industrial posts, viz., Carpenter (Skilled-III), Painter (Skilled-II), Blacksmith (Skilled-II), Tools and Stores Issuer (Skilled-II), Assistant Boilerman (Skilled-III), Assistant Fitter (Skilled-III), Assistant Sheet Metal Worker-cum-Pipe Fitter (Skilled-III), Mason (Skilled-III), Turner-cum-Mechanist (Skilled-III), Welder (Skilled-III), Mate to Auto Mechanic (Semi-Skilled-I), Mate to Fitter (Semi-Skilled-I), Mukudam (Semi-Skilled-I), Mate to Boilerman (Semi-Skilled-II), Mate to Carpenter (Semi-Skilled-II), Mate to Blacksmith (Semi-Skilled-II), Mate to Fitter (Semi-Skilled-II), in the Engineering Maintenance Section (Mechanic).	Chief Engineer	Chief Engineer Deputy Chief Engineer (Mechanical)	All (i) to (iv)	Deputy General Manager	
All unclassified industrial posts, viz., Electrician (Semi-Skilled-III), Mate to Electrician (Semi-Skilled-II), Mechanic (E&I) (Semi-Skilled-III) and Mate to Mechanic (E&I) (Semi-Skilled-II) in the Electrical, Electronics and Instrumentation Sections.	Chief Engineer	Chief Engineer Deputy Chief Engineer (Electrical)	All (i) to (iv)	Deputy General Manager	
All classified Group 'C' posts, viz., Upper Division Clerk, Lower Division Clerk, Canteen Supervisor, Staff Car Drivers, Leading Fireman, Fireman and Record Sorter.	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager	

[भाग II-अखण्ड 3(ii)]

भारत का राजपत्र : अगस्त 31, 1985/ भाइ 9, 1907

1	2	3	4	5
All unclassified industrial posts, Viz., Janitor (Highly Skilled-II) Assistant Janitor (Skilled-III) and Steward (Semi-Skilled-I) in the Janitor Section	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager
All classified Group 'C' posts, viz., Pharmacist, Laboratory Technician, X-ray Technician, Auxiliary Nurse, Dresser and Dai.	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All (i) to (iv)	Deputy General Manager
All unclassified industrial posts, viz., Shift Tester Grade-II (Skilled-III) and Mate to Shift Tester (Semi-Skilled-II) in the Quality Control Laboratory.	Chief Chemist	Chief Chemist	All	Deputy General Manager

(iii) in Part III,--

(a) in the heading, for the expression "Class IV", in expression "Group D" shall be substituted

(b) For the heading "Security Paper Mill Hoshangabad" and the entries thereunder, the following entries shall be substituted, namely : -

SECURITY PAPER MILL

Paper Boy (Unskilled) in the Finishing End.	Works Manager	Works Manager Chief Control Officer	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the General Stores	Works Manager	Works Manager Stores Officer	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Engineering (Mechanical) Section.	Chief Engineer	Chief Engineer Deputy Chief Engineer (Mechanical)	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Engineering (Electrical) Section.	Chief Engineer	Chief Engineer Deputy Chief Engineer (Electrical)	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Electronics and Instrumentation Section.	Chief Engineer	Chief Engineer Deputy Chief Engineer (Electrical)	All (i) to (iv)	Deputy General Manager
Peons, Malis, Safaiwala and Club Boy	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager

Note: Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated 28th February, 1957 was subsequently amended by

Notification No.

(1) No. F. 7(66) C&C/6
(2) No. F. 8(16) 75-Cy
(3) No. F. 8(25) 81-Cy
(4) No. F. 4(36) 79-BNP

Date

1-1-1962
28-5-1977
5-8-1982
17-4-1980

S.O. No.

3267
1418

Date

18-9-1982
24-5-1980

[No. F. 8(25)/81-Cy (SPM)]
C.G. PATHROSE, Under Secy.

(रूपकल्प प्रभाग)

तर्फ दिनांक: 14 अगस्त, 1985

का. अ. 4030—बैंकरी विनियमन अधिनियम, 1949 (1949 का 10) का बाया 53 द्वारा प्रदत्त जारीनामों का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा घोषणा करती है कि उन अधिनियम का धारा 10ब का उल्लंघन 9 के उपर्युक्त जहां तक उनका सम्बन्ध अधेक्ष के कर्तव्यों का पालन करने के लिये बैंक द्वारा चार महीने से अधिक की अवधि के लिये किसी व्यक्ति को नियुक्त करने की मतहानी है, जम्मू और कश्मीर बैंक लिमिटेड, श्रीनगर पर 5 मित्तम्बर, 1985 तक लागू नहीं होंगे।

[सं 15/4/85-बैंक-iii)]
मा. के० पा. कृष्ण

S.O. 4030—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-section (9) of section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of a chairman beyond a period exceeding four months, apply to the Jammu and Kashmir Bank Ltd., Srinagar upto the 5th September, 1985.

[No. 15/4/85-B.O. III]
M.K.M. KUTTY, Under Secy

(Banking Division)

New Delhi, the 14th August, 1985

वाणिज्य भवालय

(उप संघ नियंत्रक, आयात-नियात का व्यापारिय)

हैदराबाद 14 अगस्त, 1985

लाइसेंस रद्द करने का आदेश

का.आ. 4032.—(1) प्लास्टिक मॉल्डेड ब्रेस्टुओं (2) पानी के लेवल मरकों (3) नियंत्रक और सेलिक्टर्स (4) हीटिंग मैटेसटर्स और (5) कैपेसिटर्स के आयात के लिये मैटर्स अन्त्य प्रदेश व्यापारिंग मर्केट्स प्राइवेट लिमिटेड, 103 कला मंदिर, चौराजिरी, देवी रोड, शिक्षिनगर शहर को रु. 4,21,920/- मि आई एक मूल्य के आयात लाइसेंस संख्या पी/एस/1872832/मि/एक्सएस/पड़वल्य/४४ दिनांक ६-७-८४ अनुदाता किया गया था। अब पार्टी ने उपर्युक्त लाइसेंस को मौमाशुल्क प्रयोजन की मूल प्रति गुम हो जाने के कारण तूमरी प्रति जारी करने का अनुरोध किया है। इसी प्रति जिसकी अवधिकता है उसका मूल लाइसेंस का कुल मूल्य के बराबर रानी रु. 4,21,920/- (चार लाख इक्कीस हजार सौ सो बीस रुपये रुपये) होगा।

अपने दावे के मर्मथन में आवेदनकर्ता ने मौमाशुल्क कागज पर नियम प्रमाणक डारा संतुष्टिपूर्ण ग्राहक दावा किया है। पार्टी ने यह भी प्रतिवामन दिया है कि लाइसेंस की मौमाशुल्क प्रयोजन की मूल प्रति का गता लग जाने पर या भिल जाने पर उसे लाइसेंस जारी करने वाले अधिकारियों को दो जारीय।

मूल भत्तार्दि हुई है कि लाइसेंस संख्या पी/एस/1872832 दिनांक ६-७-८४ को मौमाशुल्क प्रयोजन की मूल प्रति गुम हो गई है और आवेदनकर्ता को मौमाशुल्क प्रयोजन की दूसरी प्रति जारी किया जाये। लाइसेंस संख्या पी/एस/1872832/मि/एक्सएस/गुम/४४ दिनांक ६-७-८४ की मौमाशुल्क प्रयोजन की मूल प्रति इसके द्वारा रद्द की जानी है।

[मिमिल संख्या : श्राई टि सी/ए पू/एस एस
आई/१४६/ए एम-४/हैदराबाद/१९८२]

आरू मंत्रवाचक, उप मूल्य नियंत्रक, आयात-नियात

MINISTRY OF COMMERCE

(Office of the Dy. Chief Controller of Imports & Exports)

Hyderabad, the 14th August, 1985

LICENCE CANCELLATION ORDER

S.O. 4031.—M/s. Andhra Pradesh Washing Machine Pvt. Ltd, 103, Kafe Mansion, Sarojini Devi Road, Secunderabad-500 003, were granted an import licence bearing No P/S/1872832/c/xx/92/w/84 dated 6-7-84 for a cif value of Rs. 4,21,920 for import of (1) Plastic Moulded item (2) Water level indicators, (3) Switches and Selectors (4) Heating Elements and (5) Capacitors. The party has applied for grant of Duplicate Customs purpose copy of the aforesaid import licence on the ground that the original Customs Purpose copy of licence has been lost. The total amount for which the duplicate copy of the licence is required is for the full value of the licence i.e. Rs. 4,21,920 (Rupees Four Lakhs Twenty One Thousand Nine Hundred and Twenty only).

In support of their contention, the applicant has filed an affidavit on Stamped paper duly attested by a Notary Public. The applicant has also undertaken to return the licensing authority concerned the original Customs Purpose copy of the licence if the same is traced or found later on.

I am satisfied that the original Customs Purpose copy of licence No. P/S/1872832 dated 6-7-84 has been lost and that duplicate Customs Copy of licence should be issued to the applicant. The original Customs purpose copy of licence No. P/S 1872832/c/xx/92/w/84 dated 6-7-84 is hereby cancelled.

R. SELVARAJ, Dy. Chief Controller of Imports & Exports

प्रौद्योगिकीय मंत्रालय

नई विल्ल, 21 अगस्त, 1985

का.आ. 4032.—यह प्रौद्योगिकीय और व्यावसाय वाणिज्य (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 वा 50) के धारा 3 के उपधारा (1) के अधान भारत सरकार के प्रौद्योगिकीय मंत्रालय के अधिसूचना का आ स ३१२६ तारीख १८-८-८५ डारा केन्द्र य सरकार ने उस अधिसूचना से सभी अनुमति विनियोगी के उपयोग के अधिकार को पापृष्ठ लाइसेंस के प्रयोजन के लिए अर्जित करने का अपना धाराय घोषित कर दिया था।

ओर यह भक्षण प्राधिकार ने उस अधिनियम की धारा 6 के उपधारा (1) के अर्वाच सरकार को शिखाए है इसे द है।

ओर आगे यह केन्द्रीय सरकार से उस विनियोगी के प्रयोग अधिसूचना से यानव अनुमति में विनियोगी भूमियों में उपयोग का अधिकार पापृष्ठ लाइसेंस के प्रयोजन के लिए अनुदाता अधिकार अर्जित करने का विनियोग किया है।

अब अब उस अधिनियम के धारा 6 के उपधारा (1) डारा प्रति गुम करने के केन्द्र य सरकार अनुदाता धारिय द्वारा है कि इस अधिसूचना में संलग्न अनुसूचि, में विनियोगी भूमियों में उपयोग के अधिकार पापृष्ठ लाइसेंस के प्रयोजन के लिए अनुदाता अधिकार दिया जाता है।

ओर आगे उस धारा के उपधारा (4) डारा प्रदत्त नामियों का प्रयोग करने हए केन्द्रीय सरकार निर्देश देत है कि उस भूमियों में उप-उपयोग का अधिकार केन्द्रीय सरकार में विनियोगी के वायाय भारतीय गैम प्रधिकरण नि. में सभी आधारों में भक्षण रूप में घोषित के प्रकार उस तात्परी से विनियोग होगा।

प्रत्युम्भ

विनियोग (म.प्र.) से मवाई प्राविंदुर (ग्रज) वर्क पाइप वाणिज्य विधान के लिए

ग्रज्य : राष्ट्रस्थान जिला : कोटा, राजस्थान पीपल्का

भार	व्यापार नं.	देवदार	भार	मैल	भार
रामगु	435	0	02	51	
	434	0	51	33	
	139	0	11	82	
	140	0	12	57	
	441	0	25	03	
	442	0	00	37	
	443	0	06	35	
	146	0	02	35	
	519	0	10	58	
	521	0	55	29	
	522	0	40	31	
	563	0	37	93	
	564	0	33	17	
	565	0	03	08	
	573	0	06	35	
	580	0	04	27	
	581	0	27	77	
	582	0	32	01	
	583	0	23	05	
	584	0	00	23	
	592/2	0	14	02	
	592/1	0	06	62	
	595	0	02	05	
	592/3	0	14	94	
	596	0	01	80	

1	2	3	4	5	1	2	3	4	5
रामपुरा—जारी	602	0	05	56		443	0	06	35
	623	0	13	49		446	0	42	35
	624	0	43	13		519	0	10	58
	625	0	51	28		551	0	55	29
	626	0	10	11		522	0	30	31
	627	0	05	82		563	0	34	93
	687	0	15	78		564	0	33	17
	688	0	04	05		565	0	03	08
	689	0	04	15		573	0	06	35
	690	0	04	05		580	0	04	23
	691	0	19	74		581	0	27	77
	692	0	41	13		582	0	32	01
	693	0	66	68		583	0	23	05
	648	0	07	94		584	0	00	23
	707	0	33	34		592/2	0	14	02
	707/2	0	06	88		592/1	0	06	62
	436	0	16	20		595	0	02	05
	523/1	0	00	12		592/3	0	14	94

[सं. O-14016/342/85-प्रा]

MINISTRY OF PETROLEUM

New Delhi, the 21st August, 1985

S.O. 4032.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2326 dated 18-5-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests from this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Pipeline from Vijaypura (M.P.) to Sawaimadhopur (Raj.)
State Rajasthan District : Kota Tehsil : Piplada

Village	Survey No.	Hee- tare	Acre- age	Cent- tiare
Rampura	435	0	02	51
	434	0	51	33
	439	0	14	82
	440	0	37	57
	441	0	25	03
	442	0	00	37

443	0	06	35
446	0	42	35
519	0	10	58
551	0	55	29
522	0	30	31
563	0	34	93
564	0	33	17
565	0	03	08
573	0	06	35
580	0	04	23
581	0	27	77
582	0	32	01
583	0	23	05
584	0	00	23
592/2	0	14	02
592/1	0	06	62
595	0	02	05
592/3	0	14	94
596	0	01	80
602	0	05	56
623	0	13	49
624	0	43	13
625	0	51	28
626	0	10	11
627	0	05	82
687	0	15	78
688	0	04	05
689	0	04	15
690	0	04	05
691	0	19	74
692	0	41	13
693	0	66	68
648	0	07	94
707	0	33	34
707/2	0	06	88
436	0	16	20
523/1	0	00	12

[No. O-14016/342/85-GP]

का. आ. 4033.—यतः पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के धारा 3 के उपधारा (1) के अर्थ न मानन सरकार के पैट्रोलियम मंत्रालय के अधिसूचना का. आ. सं. 4549 तरिख 10-12-84 द्वारा केंद्रीय सरकार ने उम्म अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विद्याने के लिये अंजित करने का अपना आशय घोषित कर दिया था।

और यतः संक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अर्थ न मानन सरकार को रिपोर्ट दे दी है।

और आगे यतः केंद्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विशेष योग्य लिया है।

अब, अतः उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केंद्रीय सरकार पत्रद्वारा घोषित करते हैं कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विद्याने के प्रयोग के लिये पत्रद्वारा अंजित किया जाना है।

और आगे उक्त धारा के उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार में निहित होने के बजाय भारतीय रैम्प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकारण की इस नारीद की निहित होगी।

अनुसूची

हजारों से बर्ली से जगदीशपुर तक पाइप लाईन विलाने के लिये
राज्य गुजरात जिला पंचमहल तालुका दाहोद

ना.व	सर्वे नं.	हेक्टर	आर	सेन्टी.वर
वरबाडा	129/1	0	09	40
	130/2	0	18	53
	134/2	0	22	88
	134/1	0	24	70
	118	0	26	78
	116	0	38	60
	119	0	00	80
	114	0	20	00
	120/1	0	18	85
	121	0	10	20
	113/1	0	19	30
	112/2	0	04	40
	112/3	0	10	00
	112/1	0	15	40
	112/4	0	18	80
	111	0	47	80
	102	0	94	00
	103	0	11	79

[स. O-14016/451/84-जे.पी.]

S.O. 4033.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4546 dated 10-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Pipeline from Hajira Bareilly Jagdishpur

State : Gujarat District : Panchamahal Taluka : Dahod

Village	Survey No.	Hec-tare	Arc.	Centiare
1	2	3	4	5
Varbada	129/1	0	09	40
	130/2	0	18	53
	134/2	0	22	88
	134/1	0	24	70

1	2	3	4	5
	118	0	26	78
	116	0	38	60
	119	0	00	80
	114	0	20	00
	120/1	0	18	85
	121	0	10	20
	113/1	0	19	30
	112/2	0	04	40
	112/3	0	10	00
	112/1	0	15	40
	112/4	0	18	80
	111	0	47	80
	102	0	94	00
	103	0	11	79

[No. O-14016/451/84-GP]

का. आ. 4034.—यह पेट्रोलियम और बनिज पाइप लाइन (भूमि में उपयोग के प्रधिकार का अर्जन) अधिनियम 1962 (1962 का 50) के धारा 3 के उपधारा (1) के प्रधिन भारत सरकार के पेट्रोलियम भूमालय के अधिसूचना का. आ. स. 4391 नारेब 15-12-84 धारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिट भूमियों के उपयोग के प्रधिकार को पाइप लाइनों को विलाने के लिये अर्जित करने का प्रयत्न आण्य घोषित कर दिया था।

और यह यह: संघम प्राधिकार ने उक्त अधिनियम का धारा 6 का उपधारा (1) के प्रधिकार सरकार को रिसॉर्ट है वां है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिसॉर्ट पर विवर करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिट भूमियों में उपयोग का प्रधिकार अर्जित करने का विनियक्य किया है।

अब, अब: उक्त अधिनियम का धारा 6 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एकद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिट उक्त भूमियों में उपयोग का प्रधिकार पाइप लाइन विलाने प्रयोजन के लिये एकद्वारा अर्जित किया जाता है।

और आगे उस धारा के उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्भा वेतन है कि उक्त भूमियों में उपयोग का प्रधिकार केन्द्रीय सरकार में नियिट होने के बजाय भारतीय नेशनल प्राधिकरण नि. में सभी भाग्याओं से मुक्त रूप में घोषणा के प्रकाशन के इस तारंख को निहत बोगा।

अनुसूची

हाजिरा-बरेली—जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	नहसे ल	परसाना	ग्राम	गांठा	लिया रक्षा	विवरण
1	2	3	4	5	6	7
हटावा	विधुना	विधुना	पूर्वीवर्षीय			
			रिया			
			बैला			
				1	0-50	
				16	0-18	
				17/1	0-47	
				30	0-37	
				14/2	0-33	
				40/9	0-28	
				33	0-05	
					0-03	

1	2	3	4	5	6	7
				36	0-29	
				4/1	0-36	
				19/3	0-39	
				32/1	0-23	
				32/3	0-37	
				35/4	0-32	
				35/2	0-45	
				35/7	0-29	
				40/8	0-20	
				35/6	0-14	
				4/3	0-07	
				16/1/1	0-15	
				29	0-07	
				18	0-02	

[सं. O-14016/391/84- जप्त)]

S.O. 4034.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4391 dated 15-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of use in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe Line Project.

Distt	Tehsil	Pargana	Village	Plot No.	Area Aquired	Re-mark	1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Purva	1	0-50								

Bhad- auria	Bala	16	0-18
		17/1	0-47
		30	0-37
		14/2	0-33
		40/9	0-28
		33	0-05]
			0-03]
		36	0-29
		4/1	0-36

1	2	3	4	5	6	7
				19/3	0-39	
				32/2	0-23	
				32/3	0-37	
				35/4	0-32	
				35/2	0-45	
				35/7	0-29	
				40/8	0-20	
				35/6	0-14	
				4/3	0-07	
				16/1/1	0-15	
				29	0-07	
				18	0-02	

[No. O-14016/391/84-GP]

का, आ. 4035:—यह: पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्राप्तन) अधिनियम 1962 (1962 का 50) का धारा 3 का उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय का, प्रधिसूचना का, आ. सं. 4508 तारं ख 22-12-84 द्वारा केन्द्र य सरकार ने उस प्रधिसूचना से संबंध अनुसूच में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का प्रपना प्राप्त घोषित कर दिया था।

और यह: सक्षम प्राधिकारी ने उक्त अधिनियम का धारा 6 को उपधारा (1) के अधीन सरकार को रिपोर्ट दे दें है।

और आर्य यह: केन्द्र य सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिसूचना से संबंध अनुसूच में विनिर्दिष्ट भूमियों में उपयोग का अधिकार केन्द्र य सरकार में विहित होने के बाया भारत य रीस प्राधिकारण लि. में सभा बाधाओं से मुक्त रूप में घोषणा के प्रकाशन का इस तारंख को निहित होगा।

अब अर्थ: उक्त अधिनियम का धारा 6 का उपधारा (1) द्वारा प्रवत्त शक्ति का प्रयोग करने हुए केन्द्र य सरकार एवं द्वारा घोषित करनी है कि इस प्रधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोगन के लिये एवं द्वारा अर्जित किया जाता है।

और आर्य यह: उक्त धारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करने हुए केन्द्र य सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्र य सरकार में विहित होने के बाया भारत य रीस प्राधिकारण लि. में सभा बाधाओं से मुक्त रूप में घोषणा के प्रकाशन का इस तारंख को निहित होगा।

अनुसूची

हजारिया-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	प्राम	पाटा सं.	लिया गया रक्का	विवरण
1	2	3	4	5	6	7
हटावा	विधुना	विधुना	मलोपुर	97	-	0-36
				338		0-69
				404		0-16
				344		0-04
				345		0-65
				351		0-47
				352		0-04
				353		0-73
				554		0-03
				364/7		0-38
				417		0-32
				99		0-05
				418		0-45
				364/9		0-10

1	2	3	4	5	6	7
			100		0-15	
			98		0-06	
			340		0-03	
			349		0-02	
			361		0-03	
			339		0-03	
			348		0-02	
			362		0-03	
			422		0-03	
			370		0-67	
			467/2		0-36	
			104		0-09	
			407/4		0-39	

[सं. O- 14016/398/84- ज प]

S.O. 4035.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4508 dated 22-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly—Jagdishpur Pipe Line Project.

Distt	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Alipur	97	0-36	
				338	0-69	
				404	0-16	
				344	0-04	
				345	0-65	
				351	0-47	
				352	0-04	
				353	0-73	
				354	0-03	
				364/7	0-38	
				417	0-32	
				99	0-05	
				418	0-45	
				364/9	0-10	

1	2	3	4	5	6	7
			100		0-15	
			98		0-06	
			340		0-03	
			349		0-02	
			361		0-03	
			339		0-03	
			348		0-02	
			362		0-03	
			422		0-03	
			370		0-67	
			467/2		0-36	
			104		0-09	
			407/4		0-39	

[No. O-14016/398/84-GP]

का. आ. 4036:—यतः पैट्रोलियम भीर बनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) अधारा 3 के उपधारा (1) के प्रवेन भारत सरकार के पैट्रोलियम मंत्रालय के अधिसूचना का. आ. सं. 4531 तार ख 22-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना प्राप्त घोषित कर दिया था।

आर. यतः सक्ष म प्राधिकार ने उक्त अधिनियम का धारा 6 के उपधारा (1) के प्रधन सरकार की रिपोर्ट दे दी है।

प्रार. आर. यतः केन्द्र य सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अधित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम का धारा 6 का उपधारा (1) द्वारा प्रवर्त शक्ति का प्रयोग करने हुए केन्द्र य सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोग के लिये एतद्वारा अर्जित किया जाता है।

प्रार. आर. यतः उस धारा का उपधारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करने हुए केन्द्र य सरकार निर्देश देत है कि उक्त भूमियों में उपयोग का अधिकार केन्द्र य सरकार में निहित होमें क बजाय भारत य गैस प्राधिकरण नि. में सभ वाधारों से मुक्त हूप में घोषणा के प्रकाशन क. इस तार ख को निहित होगा।

प्रत्यक्ष

हाजिरा-बरेली-जगद्धारा पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गांठा म.	निया गया रक्का	विवरण
1	2	3	4	5	6	7
इटावा	विधुना	विधुना	विधुना	प्रिलक-		
					पुर सहार 112	0-02
					111	0-52
					413	0-05
					373	0-03
					374	1-40
					376	0-36
					371	0-03
					370	0-01
					377	0-18
					381	0-07
					391	0-11
					390	0-03

1	3	3	4	5	6	7	1	2	3	4	5	6	7
				389	0-02					390	0-03		
				387	0-13					389	0-02		
				388	0-05					387	0-13		
				406	0-48					388	0-05		
				385	0-05					406	0-48		
				386	0-05					385	0-05		
				409	0-28					386	0-04		
				410	1-04					409	0-28		
				420	0-02					410	1-04		
				415	0-20					420	0-02		
				419	0-66					415	0-20		
				418	1-10					419	0-66		
				384	0-01					418	1-10		
				369	1-00					384	0-01		
				398	0-04					369	1-00		
										398	0-04		

[No. O-14016/400/84—GP]

का. ४१. ४०२७.—पत: पेट्रोलियम और ग्यास लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) क. धारा 3 क उपधारा (1) के प्रवृत्त न भारत सरकार के पेट्रोलियम मंत्रालय का अधिसूचना का. आ. म. 4500 तार ख 22-12-84 द्वारा केन्द्र य सरकार ने उस अधिसूचना से मंत्रालय अनुसूचि में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाल्प लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

प्रौढ़ यत: सक्षम प्राविकारे ने उक्त अधिनियम का धारा 6 का उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दा है।

प्रौढ़ यत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

प्रब, अत. उक्त अधिनियम का धारा 6 का उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्र य सरकार एनद्वारा घोषित करती है कि इस अधिसूचना में मंत्रालय अनुसूचि में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाल्प लाइन विषयने के प्रयोजन के लिये पतद्वारा अर्जित किया जाता है।

प्रौढ़ यत: उस धारा का उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र य सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्र य सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सम. गांधीगढ़ में मूल रूप में घोषणा के प्रकाशन के इस तार ख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाल्प लाइन प्रोजेक्ट

जिला	तहसील	परिवाना	ग्राम	गांव	सं.	लिया गया	रकवा	विवरण
1	2	3	4	5	6	7		
इटावा	बिधुना	बिधुना	नवारा		52	0-21		
	बिधुना	बिधुना	दांद		53	0-06		
					51	0-01		
					49/4	0-01		
					50/1	0-30		
					50/2	0-15		
					50/3	0-24		
					48/2	0-12		
					44/1	0-30		
					44/2	0-04		
					44/3	0-02		
					41/1	0-01		

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Tiluck	112	0-02	
			pur	111	0-52	
			Sehar	413	0-05	
				373	0-03	
				374	1-40	
				376	0-36	
				371	0-03	
				370	0-01	
				377	0-18	
				381	0-07	
				391	0-11	

1	2	3	4	5	6	7
				41/2	0-03	
				40	0-30	
				43/1	0-30	
				43/2	0-06	
				81/1	0-01	
				39	0-36	
				38/2	0-13	
				85/1	0-01	
				83	0-16	
				393	0-09	
				421/1	0-12	
				422/1	0-05	
				422/2	0-25	
				426/2	0-03	
				452/2	0-18	
				430	0-25	
				512	0-02	
				509	0-04	
				511/2	0-45	
				511/3	0-03	
				506/2	0-03	
				504/1	0-28	
				504/2	0-23	
				505	0-02	
				533	0-24	
				497	0-20	
				545	0-12	
				546	0-16	
				547	0-16	
				496	0-03	
				548	0-08	
				549	0-22	
				470	0-01	
				468	0-09	
				467	0-09	
				563	0-02	
				564	0-02	
				469	0-01	
				466	0-10	
				465	0-08	
				565	0-19	
				566	0-21	
				464	0-01	
				568/1	0-22	
				568/2	0-02	
				568/3	0-03	
				568/4	0-05	
				569	0-40	
				571	0-06	
				584	0-01	
				570/1	0-30	
				462/3	0-20	
				186	0-04	
				432/1	0-18	
				426/3	0-09	

S.O. 4037.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 4500 dated 22-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
Hajira—Barcilly—Jagdishpur Pipeline Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area	Re-
					1	2
				Etawa	52	0-21
				Bidhuna	53	0-06
				Bidhuna	51	0-01
					49/4	0-01
					50/1	0-30
					50/2	0-15
					50/3	0-24
					48/2	0-12
					44/1	0-30
					44/2	0-04
					44/3	0-02
					41/1	0-01
					41/2	0-03
					40	0-30
					43/1	0-30
					43/2	0-06
					81/1	0-01
					39	0-36
					38/2	0-13
					85/1	0-01
					83	0-16
					393	0-09
					421/1	0-12
					422/1	0-05
					422/2	0-25
					426/2	0-93
					425/2	0-18
					430	0-25
					512	0-02
					509	0-04
					511/2	0-45
					511/3	0-03
					506/2	0-03
					504/1	0-28

1	2	3	4	5	6	7
				504/2	0-23	
				505	0-02	
				533	0-24	
				497	0-20	
				545	0-12	
				546	0-16	
				547	0-16	
				496	0-03	
				548	0-08	
				549	0-22	
				470	0-01	
				468	0-09	
				467	0-09	
				563	0-02	
				564	0-02	
				469	0-01	
				466	0-10	
				465	0-08	
				565	0-19	
				566	0-21	
				464	0-01	
				568/1	0-22	
				568/2	0-02	
				568/3	0-03	
				568/4	0-05	
				569	0-40	
				571	0-06	
				584	0-01	
				570/1	0-30	
				462/3	0-20	
				186	0-04	
				432/1	0-18	
				426/3	0-09	

[No. O-14016/389/84-GP]

का. आ. 4039:—यश पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्राप्तन) अधिसियम, 1963 (1962 का 50) की धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. स. 564 तारीख 23-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग भूमि सूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को शिलाने के लिये प्राप्त करने का अपना द्वारा धोखित कर दिया था।

प्रौढ़ यह सम्भव प्राप्ति भारी ने उसका अधिनियम की घारा 6 की उप-
घारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

प्रीर ग्राम यतः केन्द्रीय सरकार ने उक्त 'स्पोट' पर विभाग करने के पश्चात् इस अधिसूचना से मंगल अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, इस अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एततडारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोगन के लिये एतदद्वारा अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रवल भूमियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राप्तिकरण सि. में सभी बाधाओं से मुक्त हैं में धोषणा के प्रकाशन की सतारीख को निहित होगी।

अनुसूची						
हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट						
जिला	तहसील	ररगांव	गोवा	गाठा	स.	सिपा गया रखवा
1	2	3	4	5	6	7
फरशा-ठिक्करा- तालगाम तिसोली						
बाद	मऊ					
			108		0- 15	
			102		0- 09	
			233		0- 26	
			389		0- 35	
			343		0- 35	
			156		0- 26	
			239		0- 43	
			चकराड़े		0- 01	
			107		0- 05	
			132		0- 38	
			181		0- 40	
			175		0- 22	
			पास्ता		0- 03	
			290		0- 12	
			चकराड़े		0- 07	
			72		0- 07	
			229		0- 11	
			231		0- 7 5	
			तार्वा		0- 0 3	
			199		0- 8 0	
			171		0- 3 7	
			5 7 8/2		0- 1 0	
			5 7 9/4		0- 5 1	
			5 7 8/5		0- 0 8	
			5 7 8/6		0- 0 5	
			6 1 1		0- 0 9	
			5 2 6/3		0- 7 1	
			5 7 8/3		0- 4 2	
			3 6 0		0- 0 3	

[सं. O-14016/11/85-जि. फ.]

S.O. 4038.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 564 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication

of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
H.B.J. Gas Pipeline Project

Distt	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark
1	2	3	4	5	6	7
Parru-khavad	Chhobra, Tal-gram	Tisauli Mau	Tisauli	108	0-15	
				102	0-09	
				233	0-26	
				389	0-35	
				343	0-35	
				156	0-26	
				239	0-43	
				चक्रोड़	0-01	
				107	0-05	
				132	0-38	
				181	0-40	
				175	0-22	
				राम्ता	0-03	
				290	0-12	
				चक्रोड़	0-07	
				72	0-07	
				229	0-11	
				231	0-75	
				नाली	0-03	
				199	0-80	
				171	0-37	
				578/2	0-10	
				579/4	0-51	
				578/5	0-08	
				578/6	0-05	
				611	0-09	
				526/3	0-71	
				578/2	0-42	
				360	0-03	

[No. O-14016/11/85—GP]

का आ 4039.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन अधिनियम 1962 (1962 का 56) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का आ. सं. 4674 नारीख 14-12-84 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संबंध अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विकास के लिए अंजित करने का अपना आवश्य घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है।

और आगे अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पावात हस्तांकना में सलग अनुचर्चों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिष्टय किया है।

अत 3: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करके हुए केन्द्रीय सरकार एवं द्वारा घोषित करता है कि इस अधिसूचना में सलग अनुचर्चों में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विकास के प्रयोजन के लिए एवं द्वारा अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में

उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भारतीय गैस प्राधिकरण नि. में सभी आधारों से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-अगरदीपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गांठ संख्या	अंजित रक्काएँ	विवरण में
1	2	3	4	5	6	7
फलाड़ा-छिवरा-सकनपुर बरेली	फलाड़ा-छिवरा-सकनपुर बरेली	145	0- 03			
वाढ़ मऊ		146	0- 23			
		147	0- 18			
		212	0- 67			
		213	0- 03			
		208	0- 18			
		254	0- 35			
		253	0- 26			
		209	0- 24			
		210	0- 30			
		257	0- 41			
		248/1	0- 22			
		246	0- 09			
		260	0- 20			
		261	0- 45			
		271	0- 27			
		272	0- 17			
		273	0- 21			
		803	0- 21			
		801	0- 03			
		818	0- 35			
		811	0- 30			
		812	0- 45			
		809	0- 02			
		786	0- 20			
		1452	0- 45			
		1398/3	0- 15			
		810	0- 26			
		820	0- 38			
		790	0- 34			
		1378/2	0- 22			
		1453/5	0- 20			
		1453/6	0- 20			
		217	0- 10			
		893/25	0- 10			
		1379/1/3	0- 17			
		842	0- 07			
		1197	0- 18			
		1198	0- 20			
		1199	0- 25			
		1200	0- 14			
		789	0- 14			
		800	0- 07			
		1397	0- 17			

[S. O-14016/490/84-जी ५]

S.O. 4039.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4674 dated 14-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Bareilly—Jagdishpur Gas Pipeline Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres.	Re-mark
1	2	3	4	5	6	7
Farru-	Chhobra	Sakat	Barauli	143	0-03	
Khabad	Mau	Pur		146	0-23	
				147	0-18	
				212	0-67	
				213	0-03	
				208	0-18	
				254	0-35	
				253	0-26	
				209	0-24	
				210	0-30	
				257	0-42	
				248/1	0-22	
				246	0-09	
				260	0-20	
				261	0-45	
				271	0-27	
				272	0-17	
				273	0-21	
				803	0-21	
				801	0-03	
				818	0-35	
				811	0-30	
				812	0-45	
				809	0-02	
				786	0-20	
				1452	0-45	
				1398/3	0-15	
				810	0-26	
				820	0-38	
				790	0-34	
				1378/2	0-22	
				1453/5	0-20	
				1453/6	0-20	
				217	0-10	
				893/25	1-10	

1	2	3	4	5	6	7
				1379/1/3	0-17	
				842	0-07	
				1197	0-18	
				1198	0-20	
				1199	0-25	
				1200	0-14	
				789	0-14	
				800	0-07	
				1397	0-17	

[No. O-14016/490/84—GP]

का. आ. 4040—यतः पेट्रोलियम और बनिंज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम समालय की अधिसूचना का. आ. स. 1761 ता. द्वारा केन्द्रीय सरकार ने उस अधिसूचना में मंलग्न अनुमूलों में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों का विभाने के लिए अंजित करने का अपना आवश्य घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन गणकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विभान करने के पश्चात् इस अधिसूचना में मंलग्न अनुमूलों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अनेक उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए केन्द्रीय सरकार एवं विभान घोषित करता है कि इस अधिसूचना में मंलग्न अनुमूलों में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अंजित करने के प्रयोग के लिए एवं द्वारा अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में वसी वाधाओं से मृक्त रूप में घोषणा के प्रकाशन की इस शारीक को निहित होगी।

अनुमूल

क्रिया	तहसील	पश्चाता	गाव	गांग संख्या	लिया गया	शिवरण	गक्का
1	2	3	4	5	6	7	
फर्रु-	चिक्का-	मकतपुर	बगीली	785	0-15		
खाबद	मारु			822	0-45		
				821	0-15		
				799	0-11		
				202	0-15		
				211	0-05		
				207	0-02		
				817	0-02		
				1374	0-07		
				1398/1	2-85		
				1453/1	0-68		
				1375/1	0-34		
				247	0-09		
				568	0-22		

1	2	3	4	5	6	7
				802	0-45	
				784	0-03	
				838	0-78	

[S. O. 14016/247/85-GP]

S.O. 4040.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 1761 dated under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
H.B.J. Gas PipeLine Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark
1	2	3	4	5	6	7
Farrkha	Chhibra	Sakat	Barauli	785	0-45	
bad	Mau	pur		822	0-45	
				821	0-15	
				799	0-11	
				202	0-15	
				211	0-05	
				207	0-02	
				817	0-02	
				1374	0-07	
				1398/1	2-85	
				1453/1	0-68	
				1378/1	0-34	
				247	0-09	
				568	0-22	
				802	0-45	
				784	0-03	
				838	0-78	

[No. O-14016/247/85-GP]

का. आ. 4041.—यतः पेट्रोलियम और ग्यास पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिकृतना का. आ. सं. नार्या 561/23-1-85 द्वारा केन्द्रीय सरकार ने उग अधिकृतना में विनिश्चित भूमियों में उपयोग का अधिकार अर्जित कराने के लिए अंजित करने का अपना अधिकार घोषित कर दिया था।

जौर यतः सकार प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को नियोर्ड दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त नियोर्ड पर विचार करने के पश्चात इस अधिकृतना रो संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार अंजित करने का विनिष्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनदब्ल्यूएस को अधिकृतना में संलग्न अनुसूची में विनिश्चित उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विकास के प्रयोग के लिए एनदब्ल्यूएस अंजित किया जाता है।

और आगे उग धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विनिश्चित होते के बायां भारतीय रूप्र प्राधिकरण लि. में सर्व बाधाओं से मुक्त रूप में शोषण के प्रकाशन के इस तारीख को निहित होगा।

अनुसूची

हजिरा बरेली जनवीशपुर पाइप लाइन प्रोजेक्ट

क्रिया	तहसीसी परगना	गाँव	गांडा सकेन्द्रीय	विधाया गांव	विवरण
क्रमांक	क्रमांक	क्रमांक	क्रमांक	क्रमांक	में
कलाला- छिवरा- मौरिया	लाल्हा	131	0-42		
पाद	मऊ	130	0-37		
		135	0-03		
		137	0-39		
		145	0-03		
		144	0-23		
		143	0-30		
		154/1	0-22		
		154/2	0-15		
		154/3	0-15		
		154/4	0-37		
		154/5	0-07		
		161	0-06		
		164	0-21		
		166	0-10		
		174	0-15		
		173	0-06		
		166	0-09		
		174	0-08		
		173	0-06		
		172	0-01		
		167	0-11		
		168	0-07		
		176	0-21		
		190	0-15		
		2639	0-08		
		2610	0-07		
		181	0-16		
		184	0-08		

1	3	3	4	5	6	7	1	2	3	4	5	6	7
				185	0-03					2557	0-03		
				180	0-05					2570	0-15		
				191	0-13					2561	0-56		
				192	0-15					2562	0-48		
				193/1	0-21					2563	0-09		
				194	0-02					2482	0-24		
				217	0-36					2307	0-28		
				208	0-12					2303	0-10		
				2401/1	0-04					2313	0-35		
				215	0-03					2312	0-21		
				212	0-24					2408	0-37		
				2493	0-33					2316	0-08		
				2492	0-25					2317	0-37		
				2497	0-15					2318	0-13		
				2496	0-07					2319/3	0-02		
				2489	0-43					2319/1	0-01		
				2635	0-48					2319/2	0-02		
				2482	0-15					2321	0-04		
				2478/1/1	0-13					2475	0-07		
				2652	0-22					2476	0-12		
				2643	0-06					2474	0-29		
				2650	0-39					2425	0-02		
				2651	0-28					2423	0-19		
				2641	0-31					2424	0-24		
				2642	0-26					2410	0-03		
				2630	0-10					2414	0-03		
				2631	0-10					2415/1	0-28		
				2629	0-18					2416/2	0-05		
				2623	0-65					2417	0-25		
				2622	0-41					2418	0-02		
				2619	0-03					2409	0-21		
				2620	0-12					2420	0-36		
				2593	0-07					2404	0-48		
				2594	0-10					2405	0-24		
				2595	0-70					2406	0-15		
				2604	0-05					148	0-02		
				2613	0-03					101/2/2	0-01		
				2612/1	0-05					2618/2	0-02		
				2600	0-02								
				2602	0-07								
				2601	0-40								
				2602	0-07								
				2603	0-21								
				2580	0-25								
				2579	0-27								
				4543									
					0-25								
				2577									
				4544									
					0-09								
				2577									
				2577	0-27								
				2574	0-15								
				2575	0-75								
				2571	0-62								

[सं. O-14016/8/85-जी.पी.]

S.O. 4041.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 561 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark	1	2	3	4	5	6	7
Parru-	Chhobra, Sawai	Lakh	131	0-42									
khabad	Mau	kh	130	0-37									
			135	0-03									
			137	0-39									
			145	0-03									
			144	0-23									
			143	0-30									
			154/1	0-22									
			154/2	0-15									
			154/3	0-15									
			154/4	0-37									
			154/5	0-07									
			161	0-06									
			164	0-21									
			166	0-10									
			174	0-15									
			174	0-06									
			166	0-09									
			174	0-08									
			173	0-06									
			172	0-01									
			167	0-11									
			168	0-07									
			170	0-21									
			190	0-15									
			2639	0-08									
			2640	0-07									
			181	0-16									
			184	0-08									
			185	0-03									
			180	0-05									
			191	0-13									
			192	0-15									
			193/1	0-21									
			194	0-02									
			217	0-36									
			208	0-12									
			2401/1	0-04									
			215	0-03									
			212	0-24									
			2493	0-33									
			2492	0-25									
			2497	0-15									
			2496	0-07									
			2489	0-43									
			2635	0-48									
			2482	0-15									
			2478/1/1	0-13									
			2652	0-22									
			2643	0-06									
			2650	0-39									
			2651	0-28									

1	2	3	4	5	6	7
				2641	0-31	
				2642	0-26	
				2630	0-10	
				2631	0-10	
				2629	0-18	
				2623	0-65	
				2622	0-41	
				2619	0-03	
				2620	0-12	
				2593	0-07	
				2594	0-10	
				2595	0-70	
				2604	0-05	
				2613	0-03	
				2612/1	0-05	
				2600	0-02	
				2602	0-07	
				2601	0-40	
				2602	0-07	
				2603	0-21	
				2580	0-25	
				2579	0-27	
				4543	0-26	
				2577		
				4544		
				2577	0-09	
				2577	0-27	
				2574	0-15	
				2575	0-75	
				2571	0-62	
				2557	0-03	
				2570	0-15	
				2561	0-56	
				2562	0-48	
				2563	0-09	
				2482	0-24	
				2302	0-28	
				2303	0-10	
				2313	0-35	
				2312	0-21	
				2408	0-37	
				2316	0-08	
				2317	0-37	
				2318	0-13	
				2319/3	0-02	
				2319/1	0-01	
				2319/2	0-02	
				2321	0-14	
				2475	0-07	
				2476	0-12	
				2474	0-29	
				2425	0-02	
				2423	0-19	
				2424	0-24	
				2410	0-03	
				2414	0-03	
				2415/1	0-28	
				2416/3	0-05	
				2417	0-25	
				2418	0-02	
				2409	0-21	
				2430	0-36	
				2404	0-48	

1	2	3	4	5	6	7	1	2	3	4	5	6	7
			2405	0-24						376	0-20		
			2406	0-15						377	0-02		
			148	0-02						378	0-63		
			101/2/2	0-01						380	0-15		
			2618/2	0-02						386	0-33		
										388	0-48		
										509	0-99		
										510	0-03		
										511	0-03		
										514	0-24		
										515	0-15		
										517	0-21		
										518	0-24		
										519	0-30		
										562	0-17		
										563	0-51		
										564	0-01		
										565	0-57		
										575	0-03		
										576	0-22		
										579	0-29		
										580	0-62		
										581	0-16		

[सं. O-14016/9/85-जी. पी.]

S.Q. 4042.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 562 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE H.B.J. Gas Pipe Line Project

District	Tahasil, Pargana	Village	Plot No.	Area in acres	Re- marks
Farru-	Chhibra, Saurikh	Kisan-	311	0-07	
बाद	मऊ	pur	326	0-54	
			327	0-49	
			328	0-06	
			337	0-01	
			338	0-45	
			339	0-02	
			340	0-16	
			385	0-13	
			341	0-02	
			342	0-05	
			343	0-06	
			344	0-22	
			345	0-18	
			346	0-01	

[No. O-140] 6/9/85-GP]

का. आ. 4043:-यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंडालय की अधिसूचना का. आ. सं. 563 तारीख 23-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को खिलाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यह: मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अर्थात् सरकार को रिपोर्ट देवारी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंत्रन अनुसूची में विनिर्दिष्ट भूमियों में उपर्योग का अधिकार अंगित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा⁽¹⁾ वारा प्रदत्त गणित का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि हम अधिसूचना में संलग्न अनसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइन लाइन बिल्डार्न के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उत्तर धारा का उपधारा (4) हाय प्रवत्त सकियों का प्रयोग करते हुए केंद्रीय सरकार मिर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केंद्रीय सरकार में निहित होने के बजाय भारतीय गैरम प्राधिकरण लि. में सभी आधारों से मृक्त ल्प में धोपणा के प्रकाशन की हम तारीख को निश्चित होगा ।

1	2	3	4	5	6	7
				426	0-08	
				299	0-08	
				859	0-24	

[मि. O-14016/10/85-जी. पी.]

S.O. 4043.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 563 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
Hazira Bareilly Jagdishpur Pipe Line Project

Distt	Tehsil	Pargana	Village	Plot No.	Area in Acquired mark in acres	
1	2	3	4	5	6	7
Farrukhabad	Chhajbra	Tolgram	Rajla	644	0-27	
			Mau	488	0-51	
				619	0-07	
				388	0-40	
				115	0-88	
				470	0-03	
				313	0-54	
				489	0-75	
				286	0-10	
				705	0-03	
				708	0-09	
				707	0-30	
				580	0-51	
				183	0-93	
				374	0-32	
				531	0-16	
				231	0-36	
				219	0-03	
				712	0-23	
				575	0-16	
				221		
				228/1	0-20	
				228/2		
				484	0-08	
				626	0-40	
				319	0-01	
				502	0-34	
				621	0-39	

[No. O 14016/10/85- GP]

का. प्रा. 4044—शत ऐट्रोलियम और अनिंत पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन शारन सरकार के ऊर्जा मंत्रालय (ऐट्रोलियम विभाग) की अधिसूचना का. प्रा. मा. 2717 नारीश 25-8-84 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विनाश के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

शीर यतः मध्यम प्रशिक्षिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को गिरोट दे दी है।

ओर प्राग यतः केन्द्रीय सरकार ने उक्त गिरोट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अद्यतन विलोम के प्रयोजन के लिए एन्डवॉर्कर अर्जित किया जाना है।

अब, अब उम धारा की उपधारा (4) द्वारा प्रदत्त गतियों का प्रयोग करने हुए केन्द्रीय सरकार दर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होते के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं में मृत्यु स्वरूप में प्रोत्साहन के प्रकाशन की इस नारीश को निश्चित होता है।

अनुसूची
हाजिर—बरेसी—जगदीणपुर पाइप लाइन प्रोजेक्ट
तिवारण

तिवारण	तहसील	पर्याना	ग्राम	प्रिया गता		
	का नाम	रक्ता				
1	2	3	4	5	6	7
राय-	मन-	इन्होना	गाजा-	समी.	0-5-10	
बोर्डी	गजगंज		पुर			
				4मी.	0-12-10	
				10मी.	0-8-5	
				11मी.	0-0-18	

1	2	3	4	5	6	7
				12 मी.	0-6-3	
				13 मी.	0-8-5	
				14 मी.	0-0-15	
				18 मी.	0-4-0	
				19 मी.	0-2-15	
				20 मी.	0-5-0	
				21 मी.	0-15-0	
				22 मी.	0-0-2	
				48 मी.	0-14-0	

[म. O-12016/95/84—ओ एन जी-डी 4]

S.O. 4044.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, In exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Barcilly—Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-	Maharaj	Inhauna	Raja-	8 Mc.	0-5-10	
Bareli	Ganj		pur	9 Mc.	0-12-10	
				10 Mc.	0-8-5	
				11 Mc.	0-0-18	
				12 Mc.	0-6-3	
				13 Mc.	0-8-5	
				14 Mc.	0-0-15	
				18 Mc.	0-4-0	
				19 Mc.	0-2-15	
				20 Mc.	0-5-0	
				21 Mc.	0-15-0	
				22 Mc.	0-0-2	
				48 Mc.	0-14-0	

[No. O-12016/95/84—ONG—D4]

का. आ. 1045 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि) में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय

की प्रधिमूलगा वा. प्रा. वा. नारीख 25-8-84 द्वारा नेट्रीप्र सरकार ने उपयोग से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभाने के लिए अनियंत्रित करने का अपना अधिकार अधिनियम कर दिया था।

और यह ग्राम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

श्रीर आगे यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस प्रधिमूलगा से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अनियंत्रित किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा अधिनियम के अनुसूची में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एवं द्वारा अनियंत्रित किया जाता है।

श्रीर आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अधिनियम का प्रयोग करने हुए केन्द्रीय सरकार निश्चय देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित हैनि के बजाय भारतीय गैस प्राधिकरण लि. में सभी आधारों से सुन्नत रूप में घोषणा के प्रकाशन की इस तरीके को निहित द्वारा गया।

अनुसूची

हाजिरा बरेली जगदीनपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम		लिय गया	विवरण
			का नाम	रक्वा		
1	2	3	4	5	6	7
गग-	मह-	बड-	जगाल-	680	0-0-9	
बरेली	गजगंज	गजगंज	पुर	681	0-15-0	
				686	0-2-2	
				694	0-13-0	
				696	0-0-15	
				695	0-0-10	
				700	0-5-10	
				708	0-1-0	
				709	0-5-0	
				710	0-11-12	
				711	0-3-15	
				718	0-0-10	
				920	1-16-0	
				921	1-4-15	
				927	0-8-15	
				946	0-2-0	
				949	0-1-35	
				950	0-6-16	
				951	0-10-3	
				952	0-0-5	
				961	0-0-5	
				965	0-1-10	
				966	0-3-0	
				967	0-3-6	
				973	0-7-10	
				978	0-3-10	
				979	0-5-10	

1	2	3	4	5	6	7
				980	0-1-6	
				981	0-1-10	
				982	0-3-3	
				983	0-0-19	
				984	0-0-10	
				985	0-0-0	
				993	0-1-0	

[सं. O-12016/95/8-3-श्री एन जी-डी 4]

S.O. 4045.—Whereas by notification of the Government of India in the Ministry of Energy, Department of Petroleum S.O. 2717 dated 28-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Baraili Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Villages	Plot No.	Area Acquired	Remarks
1	2	3	4	5	6	7

Ras	Marorai	Bachha-	Jala-	680	0-0-9	
Baraili	Ganj	wan	pur	681	0-1-5-0	
				686	0-2-2	
				694	0-1-3-0	
				695	0-0-15	
				695	0-0-10	
				700	0-5-10	
				708	0-1-0	
				709	0-5-0	
				710	0-11-12	
				711	0-3-15	
				718	0-0-10	
				920	1-16-0	
				921	1-4-15	
				927	0-8-15	
				946	0-2-0	
				949	0-1-15	
				950	0-6-16	
				951	0-10-3	
				952	0-0-5	

1	2	3	4	5	6	7
				964	0-0-5	
				965	0-1-10	
				966	0-3-0	
				967	0-3-6	
				973	0-7-10	
				978	0-3-10	
				979	0-5-10	
				980	0-1-6	
				981	0-1-10	
				987	0-3-3	
				983	0-0-10	
				984	0-0-10	
				985	0-0-10	
				993	0-1-0	

[No. O 100/C/97/84 ONG D]

का. आ. 4046—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) का धारा 3 की उपधारा (1) के प्रधीन भारत सरकार के कर्ज मंत्रालय (पेट्रोलियम बिभाग) की अधिसूचना का. आ. सं. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाश्प साइरों को दिलाने के लिए अर्जित करने का अपना आवश्य घोषित कर दिया था।

प्रीर यतः सभ्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है।

प्रीर यतः केन्द्रीय सरकार ने उस रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना ने संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियोग किया है।

अतः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने द्वारा केन्द्रीय सरकार एवं द्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाना है।

प्रीर यतः उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण लि. में सभी वाधाओं से मुक्त रूप में वोयल के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

क्रिता	ताल्सील	परगना	ग्राम	लिया गया	विवरण	
का नाम	रक्खा					
1	2	3	4	5	6	7
गाय-	महरोज-	बछराबा	रसूल-	618	0-14-2	
वरेली	गंज		पुर	638	0-14-10	
				644	0-1-14	
				645	0-4-19	
				646	0-0-15	
				647	0-5-5	
				648	0-1-5	

1	2	3	4	5	6	7
				650	0-4-0	
				651	0-2-10	
				552	0-12-4	
				653	0-4-2	
				661	0-16-15	
				713	1-8-0	
				714	0-19-5	
				717	0-19-4	
				743	0-2-8	
				744	0-1-10	
				745	0-13-19	
				746	0-3-0	
				747	0-2-6	
				749	0-3-0	
				750	0-5-0	
				751	0-2-5	
				752	0-1-15	
				753	0-2-8	
				754	0-1-5	
				755	0-1-5	
				756	0-0-10	
				757	0-0-6	
				758	0-0-10	

[S.O. 12016/95/84-प्रोएनजी-डी 4]

S.O. 4046.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Barailly Jagdishpur Pipe Line Project

Disst.	Tehsil	Pargana	Village	Pict. No.	Area	Re-Acquired	mark
1	2	3	4	5	6	7	
Rao-	Mohar	Bachhra-	Rasul-	618	0-14-2		
Bareil-	Ganj	wan	pur	638	0-14-10		
				644	0-1-14		
				645	0-4-19		
				646	0-0-15		
				647	0-5-5		
				648	0-1-5		
				650	0-4-0		
				651	0-2-10		
				652	0-12-4		
				653	0-4-2		
				661	0-16-15		
				713	1-8-0		
				714	0-19-5		
				717	0-19-4		
				743	0-2-8		
				744	0-1-10		
				745	0-13-19		
				746	0-3-0		
				747	0-2-6		
				749	0-3-0		
				750	0-5-0		
				751	0-2-5		
				752	0-1-15		
				753	0-2-8		
				754	0-1-5		
				763	0-0-15		
				764	0-7-11		
				767	0-8-2		
				768	0-1-4		
				769	0-0-10		
				770	0-0-6		
				748	0-0-10		

[No. O-12016/95/84 (CNG D)]

का. आ. 4047. :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना म. का. आ. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिट भूमियों के उपयोग के अधिकार को पाइप लाइन के विनाम के निए अर्जित करने का अपना धाराय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

श्री. आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

प्रथम, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) का प्रदत्त अधिकार के प्रयोग करने के द्वारा केन्द्रीय सरकार एवं देश विनियिट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विनाम के प्रयोगन के द्वारा एवं देश विनियिट का अर्जित किया जाता है।

श्री. आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अधिकार के प्रयोग करने के द्वारा केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में

उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	लिया गया	विवरण

1	2	3	4	5	6	7
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राय-	महाराज- इन्हुना	ओतिया	359	0-12-0		
बरेली	गंज					

[म. O-12016/95/84-ओएनजी-डी-4]

S.O. 4047.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Barcilly Jagdishpur Pipe Line Project

Distt.	Tahsil	Pargana	Village	Plot No.	Area	Re-Acquired mark
1	2	3	4	5	6	7
Rae-	Mohraj	Inhuna	Otio	359	0-12-0	
Bareli	Ganj					

[No. O-12016/95/84/ONG-D4]

का. आ. 4048.—यतः पेट्रोलियम आर एनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूकना में का. आ. तारीख 28-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूकना में संलग्न अनुसूची में विनियोजित भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

ग्रीष्म अधिकारी ने उक्त अधिनियम के धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

ग्रीष्म अगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियोजित भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

प्रब्र. अगे उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अनुसूची का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनियोजित उक्त भूमियों में उपयोग का अधिकार अर्जित करने के लिए एतद्वारा अर्जित किया जाता है।

ग्रीष्म अगे उस धारा की उपधारा (4) द्वारा प्रदत्त अनुसूची का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	लिया गया	गाटा	विवरण

1	2	3	4	5	6	7
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राय-	महाराज- बड़राबा	देरहटा	182	0-0-15		
बरेली	गंज		183	0-3-0		
			184	0-7-10		
			185	0-8-0		

[म. O-12016/95/84-ओएनजी-डी-4]

S.O. 4048.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEdULE

Hajira Baroilly Jagdishpur Pipe Line Project						
Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re- mark
1	2	3	4	5	6	7
Rae-	Maheraj	Bachhra-	Darhta	182	0-0-15	
Bareli	Ganj	wan		183	0-3-0	
				184	0-7-10	
				185	0-8-0	

[No. O-12016/95/84-ONG-154]

का० प्रा० 4049.-पृष्ठ: पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के प्रधिकार का भर्जन) प्रधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के अर्जे मंत्रालय पैट्रोलियम विभाग की प्रधिसूचना का० प्रा० सं० तारीख २५-४-६४ द्वारा केन्द्रीय सरकार ने उसने प्रधिसूचना से संलग्न प्रनूसूची में निर्दिष्ट भूमियों के उपयोग के प्रधिकार को पाइप लेनों को बिछाने के लिये अर्जित करने का प्राप्ता श्रावण धोपित कर दिया था।

आंर यसः सक्षम प्राविकारी ने उक्त अधिनियम का धारा 6 का उपधारा (1) के प्रधीन सरकार को रिपोर्ट दे दी है ।

प्रौढ़ प्रागे यस केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग्न अनुसूची में विनिर्विष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, प्रतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा धोषित करती है कि इस अधिसूचना में मलग्न अन्नसूची में डिनिंग उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विणाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है ।

परी प्रार्थना की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करके हुए कन्द्रीय सरकार निर्भय होती है कि उन भूमियों में उपयोग का अधिकार कन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० सभी वाधाओं से नुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हरिजीरा_बरेली_जगदीशरुर पाह्प लाईन प्रोजेक्ट

जिला	तहसील	परगना	प्राम का नाम		निया गया	विवरण
1	2	3	4	5	6	7
राय- बरेली	महराज- गग	बछराबां- सैंकरपुर	बेहरा	23	2-5-0	
				24	0-8-0	
				25	0-4-0	
				20	0-3-0	
				35	0-2-0	
				37	0-9-0	
				38	0-18-13	
				32	0-18-0	
				36	0-9-0	
				59	0-5-0	
				60	0-9-0	

5	6
57	1-9-0
58	0-12-0
62	0-2-0
56	0-3-0
53	0-1-0
51	0-4-0
52	0-8-0
50	0-2-0
145	0-3-0
152	0-0-6
119	1-15-0
148	0-8-0
19	0-5-0

[सं० अ०-१२०१६/९५/८४-अ० प्रत्येक/डॉ-१]

S.O. 4049. -Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-	Maharoj-	Bachhra-	Saidpur	23	2-5-0	
Baroli	Ganj	wan	Behra	24	0-8-0	
				25	0-4-0	
				20	0-3-0	
				35	0-2-0	
				37	0-9-0	
				38	0-18-13	
				39	0-18-0	
				36	0-9-0	
				59	0-5-0	
				60	0-9-0	
				57	1-9-0	
				58	0-12-0	

62	0-2-0				
56	0-1-0				
53	0-1-0			209	0-0-10
51	0-4-0			218	0-0-8
57	0-8-0			219	0-6-10
50	0-2-0			220	0-6-0
145	0-3-0			21	0-5-10
152	0-0-6			221	2-2-0
149	1-15-0				
148	0-8-0				
19	0-5-0				

[No. O-12016/95/84-ONG-D4]

का ०३० १०५०,-- यम. बेंटेलियम और ब्लनिज पाइपलाईन (मूर्म में उपयोग के अधिकार का अर्जन) अधिनियम १९६२ (१९६२ का ५०) की धारा ३ की उपधारा (१) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम रिसायर्स की अधिसूचना का आ. २७१७ अ. तारीख २५-८-६१ द्वारा कन्द्रीय राज्यों न उस अधिसूचना में संलग्न अनुसूची में निहित भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभान्न के लिये अर्जित करने का अमा आशय घोषित कर दिया था।

प्रारं यत् सभम प्राधिकारी ने उक्त अधिनियम की धारा ६ की उपधारा (१) के अधीन सरकार को चिरोह दे दा है।

प्रारं यत् या. केंद्रीय सरकार ने उक्त चिरोह पर विवार करने के पश्चात् इस अधिसूचना से नलगत अनुसूची में विनियोग मियों में उपयोग के अधिकार पाइपलाईन बिलान के प्रयोजन के लिये एनडब्ल्यूएन अर्जित किया जाता है।

अब, अतः, उक्त अधिनियम की धारा ६ की उपधारा (१) द्वारा प्रदत्त शक्ति का प्रयोग करने द्वारा केंद्रीय सरकार एनडब्ल्यूएन घोषित करता है कि इस अधिसूचना में स्लग्न अनुसूची में विनियोग उक्त भूमियों में उपयोग के अधिकार पाइपलाईन बिलान के प्रयोजन के लिये एनडब्ल्यूएन अर्जित किया जाता है।

आरं यस धारा की उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केंद्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केंद्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिंग में सभी बाधाओं से मुक्त स्पष्ट में घोषणा के प्रकाशन की इस सारीब को निहित होगा।

अनुसूची

हाजिरा-बरेली-अमरदीपपुर पाइप लाईन प्रोजेक्ट

जिला	नहरील	परगना	ग्राम का नाम	भिया गया रक्खा	विवरण	
१	२	३	४	५	६	७
राय-	महाराज-इस्दौना शेखर	२		०-२-५		
बरेली गंज	गांश्रे	७		१-१८-०		
		९		०-१२-०		
		१०		०-४-५		
		११		०-६-०		
		१९		०-७-०		
		२०		१-१७-०		
		२४		०-१५-०		
		२५		०-१-१०		
		१८८		०-१-२		
		१८९		०-२-५		
		४९		०-४-१०		
		५०		०-०-१०		
		५२		०-०-१०		
		१९७		०-३-०		
		१९८		१-४-१०		
		१९९		०-०-५		

S.O. 4050.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project.

Distt.	Tehsil	Pargana	Village	Plot No.	Area	Re-Acquired	mark
१	२	३	४	५	६	७	
Rae-	Maharaj	Induna	Sekhan	२	०-२-५		
Baroli	Ganj		Gaon	७	१-१८-०		
				९	०-१२-०		
				१०	०-४-५		
				११	०-६-०		
				१९	०-७-०		
				२०	१-१-७०		
				२४	०-१-५०		
				२५	०-१-१०		
				१८८	०-१-२		
				१८९	०-२-५		
				४९	०-४-१०		
				५०	०-०-१०		
				५२	०-०-१०		
				१९७	०-३-०		
				१९८	१-४-१०		
				१९९	०-०-५		
				२०९	०-०-१०		
				२१८	०-०-८		
				२१९	०-६-१०		
				२२०	०-६-०		
				२१	०-५-१०		
				२२१	२-२-०		

[No. O-12016/95/84-ONG-D4]

का.प्रा. 4051.—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के कर्जा मंत्रालय, पेट्रोलियम विभाग की अधिसूचना स.का.प्रा. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मंलग्न अनुमूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

ओर यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

ओर आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंलग्न अनुमूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकार का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में नं. 2717 अनुमूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाना है।

ओर आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण निर्माण में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुमूची

हाजिरा—बरेली—जगदीणपुर पाइप लाईन प्रोजेक्ट

क्रिया	नहरील	परगना	प्रांग का नाम	निया गया रक्कबा विवरण			
				1	2	3	4
ग्राम- बरेली	महाराज- गंज	मेमरीता	मांस गांव	535	0-1-0		
				537	0-16-10		
				538	0-2-10		
				847			
				550	0-6-0		
				552	0-16-10		
				569	0-0-10		
				568	0-16-10		
				534/849	0-7-10		
				538	0-6-10		
				551	1-11-0		
				567	0-2-10		
				534	1-19-0		

[सं. प्रा. 12016/55/84-ओ एन आ-डी-4]

S.O. 4051.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area	Re-Acquired	mark
1	2	3	4	5	6	7	
Rae-Bareili	Mahar-Ganj	Som-rata	Maj-han	535	0-1-0		
				537	0-16-10		
				538			
				847	0-2-10		
				550	0-6-0		
				552	0-16-10		
				569	0-0-10		
				568	0-16-10		
				534			
				849	0-7-10		
				538	0-6-10		
				551	1-11-0		
				567	0-2-10		
				534	1-19-0		

[No. O-12016/95/84-ONG-D 4]

धारा 4051.—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधिन भारत सरकार के ऊर्जा मंत्रालय के अधिसंबंधित कार्यालय का आ नं. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मंलग्न अनुमूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

ओर यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन सरकार को रिपोर्ट दे दी है।

ओर आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंलग्न अनुमूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

अब, अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित रहता है कि इस अधिसूचना में मंलग्न अनुमूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाना है।

ओर आगे इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण निर्माण में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस सारणी को निहित है।

अनुमति

हाजिरा-बरेली-जगदेश्पुर पाइपलाइन प्रोजेक्ट

जिला सहस्रनाम परिवर्तन ग्रामकन्त्रम् लियो ग्राम रक्काम विवरण

1	2	3	4	5	6	7
ग्राम- महाराजा- इनहौरा-गमपुर	बरेली	गांजा	पुव्वारा	815	0-0-4	
				835	0-7-0	
				836	1-1-0	
				839	0-0-9	
				847	0-0-4	
				848	0-17-0	
				849	0-15-6	
				850	0-13-0	
				861	0-9-16	
				862	1-0-8	
				864	0-1-10	
				874	0-3-18	
				876	0-2-15	
				884	1-4-0	
				885	0-3-3	
				886	0-12-0	
				887	0-4-0	
				888	0-1-5	
				890	0-1-2	
				896	0-5-0	
				823	0-4-5	
				837	0-1-2	
				851	0-1-16	
				953	0-1-12	
				863	0-0-8	
				870	0-1-5	
				975	0-6-0	
				877	0-11-19	
				889	0-11-5	
				903	0-4-5	

[मेरा ग्राम-12016/95/84-ग्राम नं. ८-१]

S.O. 4052.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot no.	Area	Re-Acquired	Remark
1	2	3	4	5	6	7	
Raj-Bareli	Maharaj-Ganji	Inhaura	Ram-Puwora	815	0-0-4		
				835	0-7-0		
				836	1-1-0		
				839	0-0-9		
				847	0-0-4		
				848	0-17-0		
				849	0-15-6		
				850	0-13-0		
				861	0-9-16		
				862	1-0-8		
				864	0-1-10		
				874	0-3-18		
				876	0-2-15		
				884	1-4-0		
				885	0-3-3		
				886	0-12-0		
				887	0-4-0		
				888	0-1-5		
				890	0-1-2		
				896	0-5-0		
				823	0-4-5		
				837	0-1-2		
				851	0-1-16		
				853	0-1-12		
				863	0-0-8		
				870	0-1-5		
				875	0-6-0		
				877	0-11-19		
				889	0-11-5		
				903	0-4-5		

[No. O-12016/95/84-ONG-D4]

कांगड़ा 4053—यत् पंटोनियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) का भाग 3 के उपचारण (1) के अधीन भारत गवर्नर के उर्जा मंत्रालय के अधिसूचना का अंत में 2717 तारीख 25-8-84 तारीख केन्द्रीय सरकार ने उस अधिसूचना से संबंधित अन्याच में विनिश्चित भूमियों के उपयोग के अधिकार को प्राप्त नाइनी को विचार करने का अपना आशय घोषित कर दिया था।

प्रौद्योगिकी विभाग ने उस अधिनियम का भाग 6 के उपचारण (1) के प्रधान गवर्नर को रिपोर्ट देते हैं।

प्रौद्योगिकी विभाग ने उस अधिसूचना में संलग्न अन्याच में विनिश्चित भूमियों में उपयोग के अधिकार अर्जित करने का विनियोग किया है।

अतः, अब उक्त अधिनियम का भाग 6 के उपचारण (1) वार्ता प्रश्न शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा घोषित करते हैं कि इस अधिसूचना में संलग्न अन्याच में विनिश्चित उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विचार के प्रयोग के लिये एवं द्वारा जित किया जाना है।

ओर यारे उपधारा के उपधारा (1) हाथ परन जातियों का प्रयोग करने के केन्द्रीय सरकार निर्देश देते हैं कि उन भूमियों से उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारत गैस प्राधिकरण निर्वाचन में गम वालों से भवन स्पैस में योद्धा के प्रयोग के इस तारंग की निहित होया।

प्रत्यक्ष

हाजिरा-बरेली-जगदेशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रक्कड़ा	विवरण	
1	2	3	4	5	6	7
गढ़-बरेली	महाराजा-बच्छावा गंगोली	राजपुर	शेहीकोट	2351	1-1-0	
	गंज	पर		2352	1-16-0	
		गार्हाली		2437	2-11-0	
				2438	0-4-10	

[गं. ओ-12016/95/8-प्रा. एन ज-८-१]

S.O. 4053.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot no.	Area	Re-Acquired mark
1	2	3	4	5	6	7
Rae-	Mahara-	Bachha-	Sheikh-	2351	1-1-0	
Baroli	ganji	wan	pur	2352	1-16-0	
		Samodha		2437	2-11-0	
				2438	0-4-10	

[No. O-12016/95/84-ONG-1D4]

का०ओ० 4054:-यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 ला 50) के धारा 3 के उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम यिभाग के अधिकारी नियमिता से का०ओ० 2717 तारंग 25-8-84 द्वारा

केन्द्रीय सरकार ने उस अधिकारीना से मंत्रालय अनुसूचि में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइया लाइनों को विभाजन के लिये अर्जित करने का अपना आण्य घोषित कर दिया था।

और गत मध्यम प्राधिकार ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन भारत सरकार को गिरावं दे दी है।

ओर आगे यह केन्द्रीय सरकार ने उक्त गिरावं पर विचार करने के पश्चात् इस अधिकारीना ने सरकार में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइपलाइन विभाजन के पर्योग्य के लिये एकदृष्टा अर्जित किया जाना है।

अब, यहां उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने के केन्द्रीय सरकार एकदृष्टा घोषित करते हैं कि हम अधिकारीना में मंत्रालय अनुसूचि में उपयोग का अधिकार पाइपलाइन विभाजन के पर्योग्य के लिये एकदृष्टा अर्जित किया जाना है।

आगे यहां उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने के केन्द्रीय सरकार निर्देश देते हैं कि उक्त भूमियों में उपयोग का प्रधिकार केन्द्रीय सरकार में निहित होने के बजाय भारत गैस प्राधिकरण निर्वाचन में गम वालों से मध्या एक घोषणा के प्राप्तान के इस नारंग का निहित होया।

अनुसूचि:

हाजिरा-बरेली-जगदेशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रक्कड़ा	विवरण
1	2	3	4	5	6
गढ़-बरेली	महाराजा-बच्छावा गंगोली	उचोरा	457	0-3-0	
बरेली	गंज		1301	0-2-16	
			1305	1-1-10	
			1306	0-1-7	
			1307	1-2-0	

[गं. ओ-12016/95/8-प्रा. एन ज-८-१]

S.O. 4054.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re- mark
1	2	3	4	5	6	7
Rac-	Moharaj-	Bachhara-	Uchauri	457	0-3-0	
Bareli	Ganj wan			1304	0-2-16	
				1305	1-1-10	
				1306	0-1-7	
				1307	1-2-0	

[No. O-12016/95/84-ONG-D4]

का. आ. 4055.—यतः—पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. मं. 2386 तारीख 7-7-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की पाइप लाइन के विस्थाने के लिये अंजित करने का अपना आकाश धोषित कर दिया था।

और यतः सभाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा धोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विस्थाने के प्रयोजन के लिये एवं द्वारा अंजित करना आवश्यक है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण निल० में सभी बाधाओं से मुक्त रूप में धोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजीरा में बरेली में जगदीशपुर तक पाइप लाइन विस्थाने के लिए।
राज्यः—गुजरात जिला :- वडोदरा तालुका :- वाधोड़ी

गांव	सर्वे नं.	हेक्टर	आर	सेटीप्ट
1	2	3	4	5
सांगडोल	168/1	0	17	76
	169/1	0	23	52
	170	0	60	00
	171	0	52	00

[मा. O-12016/64/84-ओ. एन.जी. डी. 4]

S.O. 4055.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum S.O. 2386 dated 7-7-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
Pipeline from Hajira—Bareilly—Jagdishpur
State : Gujarat District : Vadodara Taluka : Vaghodiya

Village	Survey No.	Hec- tare	Are	Con- tiare
Sangdol	168/1	0	17	76
	169/1	0	23	52
	170	0	60	00
	171	0	52	00

[No. O-12016/64/84-ONG-D4]

का. आ. 4056.—यतः—पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उत्तरी मंत्रालय की अधिसूचना का. आ. सं. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विस्थाने के लिए अंजित करने का अपना आशय धोषित कर दिया था।

और आगे यतः सभाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा धोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विस्थाने के प्रयोजन के लिए एवं द्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण निल० में सभी बाधाओं से मुक्त रूप में धोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	गांव का नाम	लिया गया रक्ति	विवरण	
1	2	3	4	5	6	7
गांव	मरुगांव	हरदोई	पारा-			
	गंगा		कला	6	1-2-14	
				12	0-10-0	

1	2	3	4	5	6	7
				11	0-7-10	
				18	0-17-15	
				19	0-2-0	
				15	0-0-5	
				13	0-7-0	
				16	0-7-8	
				20	0-8-10	

[No. O-12016/95/84-ONG-D4]

एमो एनो श्रीनिवासन, रप मन्त्रिव

S.O. 4056.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project.

Distt.	Tehsil	Pargana	Village	Plot No.	Area	Re-Acquired mark
1	2	3	4	5	6	7
Rae-Bareli	Maharaj-Hordoi	Parakalan	6	1-2-14		
	Ganj		12	0-10-0		
			11	0-7-10		
			18	1-17-15		
			19	0-2-0		
			14	0-0-5		
			13	0-7-0		
			16	0-7-8		
			20	0-8-10		

[No. O-12016/95/84-ONG-D4]
M.S. SRINIVASAN, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 14 अगस्त, 1985

का. आ. 4057.—भारतीय चिकित्सा केन्द्रीय परिषद, अधिनियम, 1970 (1970 का 48) की धारा 14 की उप-धारा (2) द्वारा प्रदत्त प्रक्रियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय चिकित्सा केन्द्रीय परिषद से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग 1 में “पर्यावरण विविध प्रक्रियाएँ” के अधीन क्रम संख्या 115 और उसमें संबंधित प्रविष्टियों के बाद निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएं; अर्थात् :—

1	2	3	4
“116. कलकत्ता आयुर्वेदचार्य वी.ए.एम. 1982 के बाद”	विश्वविद्यालय, (बैचलर ऑफ	एम.	
कलकत्ता	आयुर्वेदिक मेडिसन	पार्ड मर्जी)	

[सं. व्री. 26015/19/82-ए.ई.]

आर. एम. माथुर, अवर मन्त्री

टीट: भारतीय चिकित्सा केन्द्रीय परिषद अधिनियम, 1970 (1970 का 48) की द्वितीय अनुसूची को बाद में निम्नलिखित द्वारा संशोधित किया गया है :—

- का. आ.सं. 4068, दिनांक 30 नवम्बर, 1979
- का.आ.सं. 2635, दिनांक 18 दिसम्बर, 1980
- का.आ.सं. 2313, दिनांक 20 अगस्त, 1981
- का.आ.सं. 2314, दिनांक 22 अगस्त, 1981
- का.आ.सं. 137, दिनांक 24 दिसम्बर, 1981
- का.आ.सं. 638, दिनांक 25 जनवरी, 1982
- का.आ.सं. 661, दिनांक 2 फरवरी, 1982
- का.आ.सं. 973, दिनांक 20 फरवरी, 1982
- का.आ.सं. 354(ई) दिनांक 6 मई, 1983
- का.आ.सं. 3550, दिनांक 5 मितम्बर, 1983
- का.आ.सं. 804(ई), दिनांक 11 नवम्बर, 1983
- का.आ.सं. 462(ई), दिनांक 23 जून, 1984
- का.आ.सं. 1911, दिनांक 17 अप्रैल, 1985

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 14th August, 1985

S.O. 4057.—In exercise of the powers conferred by sub-section (4) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government after consulting the Central Council of Indian Medicine, hereby makes the following further amendment in the second schedule to the said Act, namely :—

In part I of the said Schedule, under the heading “West Bengal” after serial number 115 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

1	2	3	4
“116. University Ayurvedacharya B.A.M.S. From 1982 of Calcutta, (Bachelor of Calcutta. Ayurvedic Medicine and Surgery)			

[No. V. 26015/19/82-AE]

R.S. MATHUR, Under Secy.

NOTE.—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide :—

- S.O. No. 4068, dated the 30th November, 1979.
- S.O. No. 2635, dated the 18th September, 1980.
- S.O. No. 2313, dated the 20th August, 1981.
- S.O. No. 2314, dated the 22nd August, 1981.
- S.O. No. 137, dated the 24th December, 1981.
- S.O. No. 638, dated the 25th January, 1982.

7. S.O. No. 661, dated the 2nd February, 1982.
8. S.O. No. 973, dated the 20th February, 1982.
9. S.O. No. 354 (E), dated the 6th May, 1983.
10. S.O. No. 3550, dated the 5th September, 1983.
11. S.O. No. 804(E), dated the 11th November, 1983.
12. S.O. No. 462(E), dated the 23rd June, 1984.
13. S.O. No. 1911, dated the 17th April, 1985.

dition in respect of the properties belonging to or taken on lease by or on behalf of the Mogul Line Limited, Bombay.

[No. SW/SME-5/85]
V. M. LAL, Director

नई दिल्ली, 19 अगस्त, 1985

आदेश

का. आ. 4059.—केन्द्रीय सरकार वाणिज्यपोत परिवहन अधिनियम 1958 (1958 का 44) की धारा 7 उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देनी है कि इसके द्वारा उक्त अधिनियम की धारा 412 उपधारा (1) और वाणिज्य पोत परिवहन (वर्ग) नियम 1977 के नियम 7 के तहत किसी नार्यीय जहाज को किया गया व्यापार में लेने की वज्र नियमित करते ही शक्ति का प्रयोग नौवहन महानिदेशक द्वारा भी किया जाएगा व्यापार में कि नौवहन महानिदेशक द्वारा इस शक्ति का प्रयोग सिर्फ उन्हीं सामानों में किया जाएगा जहाज केन्द्रीय सरकार द्वारा कियी प्रकार का आंतरिक सहायता नहीं दी जानी है।

[का. ग. एस डब्ल्यू/एस. सी. एस-6/85 एग. एल]

जा. डी. गूद अबर सचिव

New Delhi, the 19th August, 1985

ORDER

S.O. 4059.—In exercise of the powers conferred by sub-section (2) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby directs that powers to fix the rates at which any Indian ship may be hired and the rates which may be charged for the carriage of passengers or cargo by any ship engaged in the coasting trade of India exercisable by it under sub-section (1) of section 412 of the said Act and rule 7 of the Merchant Shipping (Rates) Rules, 1977 shall be exercisable also by the Director General of Shipping subject to the restriction that it shall be so exercised by the Director General of Shipping in those cases only where no subsidy by the Central Government is involved.

[File No. SW|MCS-6/85-SL]
D. D. SOOD, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 31 जुलाई, 1985

आदेश

का. आ. 4060.—फिल्म समाचार वोई के कार्यकरण से मन्त्रित विनियमों के नियम 14(ब) के उपलब्धों के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा इसके साथ लगी अनुसूची के कानून 2 में दी गई फिल्मों को, उनके सभी भारतीय भाषाओं के लोकान्तरों सहित, जिनका विवरण प्रत्येक के सामने उक्त अनुसूची के कानून 6 में दिया हुआ है, स्वीकृत करती है:—

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई (मीटर में)	अधिकृत का नाम	नियम का नाम	यह वैज्ञानिक फिल्म है या शिक्षा संबंधी फिल्म है या समाचार और मासिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है।
1	समाचार पत्रिका सद्या 55	564	फिल्म प्रभाग, भारत सरकार 24 पैडर रोड, बंबई-400026	भारत सरकार	समाचार और सामाजिक घटनाओं की फिल्म 1 मामान्य प्रवर्णन के लिए— —लद्दाक—
2.	समाचार पत्रिका संख्या 56	326	—तथैव—		

[फाइल सं. 315/7/85-एफ (पी)]
जी. के. गोविंदा, एम्प्रियोगी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 31st July, 1985

ORDER

S.O. 4060.—In exercise of the powers vested under the provisions of Rule 14(b) of the Regulations relating to the working of the Films Advisory Board, the Central Government hereby approves films specified in column 2 of the schedule annexed hereto in all its their languages versions to be the description specified against it/each in column 6 of the said schedule.

SCHEDULE

S.No.	Title of the film	Length of the film (in metres)	Name of the applicant	Name of the Producer	Brief synopsis whether a scientific film or for educational purpose or films dealing with news current events and documental films.
1	2	3	4	5	6
1.	News Magazine No. 55	564		Films Division, Government of India, 24-Peddar Road, Bombay-400026	News and current events, General release
2.	News Magazine No. 56	326		-do-	-do-

[F.No. 315/7/85-F(P)]
G.K. GOGIA, Desk Officer

नई दिल्ली, 21 अगस्त, 1985

का. आ. 4061.—यह केन्द्रीय सरकार, आवश्यक पूछताछ करने के बाद, इस बात से संतुष्ट है कि फिल्म "ओट्टायन (मलयालम)", जिसे केन्द्रीय फिल्म प्रमाणन बोर्ड मध्यस्थ द्वारा "A" प्रमाण पत्र प्रदान किया गया है, को केरल के सिनेमाघरों में उस रूप से मिम्न स्पष्ट में विख्यात जा रहा है, जिसमें इसे प्रमाणित किया गया था।

अब: अलविदा अधिनियम 1952 (1952 का 37) की धारा 5 (3) की उप धारा (1) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा फिल्म "ओट्टायन" (मलयालम) के संबंध में प्रमाणपत्र संख्या 5185 ए दिनांक 7-2-85 को 21-8-85 से एक महीने की अवधि के लिए निलंबित करती है।

[सं. फा. 815/1/85-एफ (सी)]
आर. डी. जोशी, उप मंत्रिव

New Delhi, the 21st August, 1985

S.O. 4061.—Whereas the Central Government, after necessary enquiry, is satisfied that the film "OTTAYAN" (Malayalam), which has been granted "A" certificate by the Central Board of Film Certification, Madras, was being exhibited in theatres in Kerala in a form other than the one in which it was certified;

Therefore, in exercise of the powers conferred by sub-section (1) of section 5E of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby suspends the certificate No. 5185-A dated 7-2-85 in respect of the film "OTTAYAN" (Malayalam) for a period of one month from 21-8-85.

[No. 815/1/85-F (C)]
R. D. JOSHI, Dy. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नयी दिल्ली, 12 अगस्त, 1985

का. आ. 4062.—गजसाथा (संघ के शासकीय प्रमोन्टरी के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसार मैत्र मंत्रालय (रेलवे बोर्ड) बिलासपुर के बिलासपुर

मण्डल के नियमित अधिनस्थ कार्यालयों को, जहाँ के कर्मचारियों ने हिन्दी का कार्यसाधक शान प्राप्त कर लिया है, अधिसूचित करता है :—

- प्राचार्य, उच्चतर माध्यमिक शाला (हिन्दी माध्यम), बिलासपुर,
- सहायक इंजीनियर-1 का कार्यालय, रायपुर
- अपर मुद्रय यांत्रिक इंजीनियर, बैगन मरम्मत कारखाना, रायपुर।
- धोन अर्जीकरक का कार्यालय, शहडोल।
- प्राचार्य, उच्चतर माध्यमिक शाला (हिन्दी माध्यम), भिलाई मार्शलिंग गाँड़, भिलाई।
- सहायक कार्मिक अधिकारी, (कल्याण) का कार्यालय, भिलाई।
- सहायक मण्डल विविहारा अधिकारी का कार्यालय, रायगढ़।

[सं. हिन्दी-84/रा. शा. 1/12/8]

ए. एन. वांचू, मन्त्रिव, रेलवे बोर्ड एवं
भारत सरकार के पदेन संयक्त सचिव

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 12th August, 1985

S.O. 4062.—In pursuance of sub-Rule (2) & (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the following offices of the Bilaspur Division of South Eastern Railway where the staff have acquired the working knowledge of Hindi :—

- The Principal, Higher Secondary School, (Hindi Medium), Bilaspur.
- Office of the Assistant Engineer-I Raipur.
- Additional Chief Mechanical Engineer, Wagon Repair Workshop, Raipur.
- Office of the Area Superintendent, Shahdol.
- The Principal, Higher Secondary School, (Hindi Medium) Bhilai Marshalling Yard Bhilai.
- Office of the Assistant Personnel Officer (Welfare) Bhilai.
- Office of the Assistant Divisional Medical Officer, Raigarh.

[No. Hindi-84/OL-I/12/8]

A. N. WANCHOO, Secy.
Railway Board & Ex. Officio Jr. Secy.

श्रम मंत्रालय

मर्द दिल्ली, 12 अगस्त, 1985

का.आ. 4063.—ओचोगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में केन्द्रीय सरकार, स्टेट बैंक ऑफ इंदौर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बाच अनुबंध में निर्दिष्ट ओचोगिक विवाद में केन्द्रीय सरकार अधिकारण, कानपुर के पालाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 5-8-85 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 12th August, 1985

S.O. 4063.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Indore and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R.B. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, KANPUR.

Industrial Dispute No. 180 of 1981

In the matter of dispute between;

Shri Shiv, Narain Dixit, through The Assistant General Secretary, U.P. Bank's Employees Union, Kanpur Workman

AND

The Manager, State Bank of Indore, Kanpur.

Management

APPEARANCE:

Shri V. N. Sekhari—for the Workman.

Shri Vijay Man Singh—for the Management.

AWARD

The Central Government, Ministry of Labour, vide its notification No. L-12012/135/81-D.O. II. A dated 9th December 1981 has referred the following dispute for adjudication:

Whether the action of the management of State Bank of Indore in relation to its R.N. Nagar, Branch, Kanpur, in not providing employment to Shri Shiv Narian Dixit Clerk/Cashier after 27-1-81 (afternoon) and terminating his services is fair, just and legal? If not, to what relief is the workman concerned entitled?

2. Shri Shiv Narian Dixit workman in question entered in the services of the State Bank of Indore, Kanpur, as clerk on 14-11-80 and his services were suddenly terminated on 21-1-81 just after completion of 75 days.

3. No letter of appointment nor any letter of termination was given to him. The management indulge in practice of appointing clerks for a period of 75 days thus these appointments were unfair labour practice and violation of para 20.7 and 20.8 of the bipartite settlement beside para 495 and 522 of the Sastri Award. It is further averred that the workman worked against permanent vacancy and after termination of the services of the workman others were appointed for a period of 75 days. Thus the action of the management violated the provisions of section 25G and 25H of the I.D. Act. Further the workman was not given 14 days notice nor he was paid in lieu of notice. It is prayed that he be reinstated with full back wages and continuity of services and absorbed on the permanent post in the service of the bank management.

4. The respondent opposite party in short written statement submitted that as identical contention have been raised in this case as in the case of Kumar Prabha Bajapi of the

reference No. 181 of 81 CGIT, New Delhi, they submitted for the sake of brevity the written statement in reply to reference No. 181/81 be taken as written statement in this case. Reference No. 181/81 was decided by Central Government Industrial Tribunal, New Delhi and reference No. 180 of 1981 was transferred to this tribunal on its creation. The management consequently took back the written statement filed in reference No. 181 of 81 and filed that as written statement of this case.

5. The management bank raised preliminary objection that the present alleged industrial dispute does not fall within scope of the reference and should be rejected. The plea was however not pressed before me and rightly so as the government in its wisdom after considering failure report of A.L.C. and stand of the parties considered the the dispute to be an industrial dispute and made a reference under the Industrial Dispute Act.

6. The stand of the management is that the employment of the workman was purely temporary in view of sudden requirement of the work and in view of such sudden requirement temporary hands and purely casual appointment for short term was made in order that its work may not suffer. It is further averred that these temporary appointments are not made on the basis of the permanent appointment wherein a detailed examination, interview and a detailed procedure is followed. In case of a temporary appointment this procedure is not followed as the employment is purely temporary and his need based for a short period never existing for more than 75 days. It is further averred that industrial reference cannot be used as back door entry hampering the rights of the meritorious candidates who are taken in the employment on the basis of examination and interview etc. It is further averred that the increase in the staff component depends upon the absence level of the branch. It is denied by the management bank that the workman was appointed against a permanent vacancy rather he was appointed on account of requirement at the relevant time commensurate with the absence level obtaining at the branch of the bank. It is further averred that the appointment of the workman was not in violation of para 20.7 or 20.8 of the bipartite settlement or para 495 and para 522 of the Sastri Award, as the same are not attracted and that the workman was paid 14 days salary for the notice period in lieu of notice. The respondent bank further averred that the period of 75 days of temporary appointment did not attract the provision of section 25G and H of the I.D. Act as they are not intended to apply to next like the present one wherein purely temporary appointments in the circumstances detailed above is invalid.

7. Rejoinder a fresh on behalf of the workman was filed wherein it is averred that the workman was not a temporary employee in terms of the definition of Desai Award, bipartite settlement as he was appointed against the regular vacancy for doing regular/permanent nature of work and as such should have been treated as permanent and continuity in the service as the workman was designated as temporary hand and was working against regular vacancy on regular seat. It is further averred that his employment in the bank is governed by the settlement of the bipartite settlement and awards which is binding on the parties and since there has been violation of the same the workman is entitled to be put back in services as prayed for. It is further averred that after the termination of the services of the workman fresh hands were employed on the vacancy caused by the termination of the workman Shri Shiv Narain Dixit, while earlier to the appointment and subsequent to the termination fresh hands were appointed by the bank management. It is further averred that the provision of section 25G and H of the I.D. Act are quite independent in itself and have nothing to do with section 25F or section 25B of the act. It is also averred that there was no question of any retrenchment in the bank which is a ever expanding and nationalised bank and fresh appointments were regular being made.

8. It is further averred that article 16 of the Indian Constitution deals with equality of opportunity in the matter of employment and many employees of the banks were taken in regular services without following the prescribed procedure and which should not be denied in the case of the

workman concerned. The decision of the bank management not to allow the workman to continue beyond 75 days is discriminatory besides illegal and violative of article 16 of the Indian Constitution.

9. It is argued by the management bank that in the year 1979 Banking Service Recruitment Board or Regional Recruitment Board State Bank of India came into effect to recruit the clerical staff for the nationalised banking industry hence regular appointment should not be made and to meet exigency of the work only temporary hands were appointed for 75 days and as he was a temporary hand and terminated without notice, 14 days salary was paid to him. The workman fully knew that his appointment was purely temporary and on that account he did not raise any objection nor approached the board for being absorbed in the bank's service.

10. The facts of the case being almost admitted. The crux of the matter lies in not properly appreciating the law of the land. In the case of the employment between the workman and management bank which is admittedly an industry, the appointments if made are not wholly on contractual basis. Just as primitive society proved status to contract, the contract is giving way to social legislature and the persons serving in the industry acquire a status on accounts of industrial law and various bipartite settlements and awards. Had there been no social legislature, the management was fully within its right to employ a man and terminate him when ever he desires. In that case the principle of hire and fire could be applicable but since the advent of this social legislature there is a curve on the rights of employers in these matters and it is on that account that rule of 14 days notice, question of payment of retrenchment compensation so that the terminated workman may have something to stand back on his legs and provisions of section 25F & H have been framed. Even if 14 days pay was given in the instant case in lieu of notice for termination of the services of the workman as required in para 522 of the Sastri Award. Admittedly no appointment letter or any termination letter was given to the workman as required in para 493 and 495 of Sastri Award. Further no list of temporary employees was maintained. There is no category of casual employee under para 508 of the Sastri Award. No doubt the management had written to its head office for shortage of hands on account of ever increasing work as is evident from exhibit M-4 to M-6 and further from the statements given in ext. M-9 to M-11. The management was not justified to terminate the services of the workman after 75 days when the work was still there and when a junior workman Shri M. K. Tewari who was employed on 29-12-80 and was allowed to continue to work till 11-12-81 as is evident from Ext. M-9. Principle of Last Come First Go should have been complied with.

11. I am supported in my view as law laid down in the case of Shri Gaffar & others Vs. Union of India and others 1984 LAB 645 wherein it was held:

Rule 77 requiring maintenance of seniority list of workmen has been included by the rules so that the object of section 25G of the Industrial Dispute Act may be effectively achieved. The minimum time of seven days allowed for this purpose is not unnecessarily long for, the workman should get an adequate opportunity to scrutinise the correctness of the seniority list before he is thrown and viewed from this angle. It should be held that the requirement mentioned in rule 77 is mandatory and its violation renders an order of retrenchment illegal.

12. In the case of M/s. National Iron and Steel Company Versus State of West Bengal, 1967, II LLJ 23 S.C. at page 30 wherein it was observed as follows:

Incidentally it may also be pointed out that the retrenchment of Sushil does not seem to be otherwise

justified in that following the principle of last come first go, Sushil could not be called upon to leave the company's service. Another employee by name of Joy Kishan, junior to Sushil was terminated in service.

13. In the case of BICV Labour Court 1978 LAB Industrial cases page 230 (Allahabad) it was held therein as follows:

Retrenchment of chowkidar—reorganisation of business—appointment of new chowkidars—without offering opportunity to retrenched workman for temporary employment, held that employer contravened mandatory requirement of section 6Q of UPID Act (Sec. 25H of the Act) retrenchment not bona fide, workman entitled to reinstatement.

14. In the case of Shri Raghuandan Prasad Versus Institute of Physically Handicapped 1985 page 148 S.C. wherein it was held:

Before his dismissal became effective he ought to have been given an opportunity of making a written representation or being heard by the authority. If he asks for this opportunity and it is refused the order of dismissal is null and void.

15. In view of the facts and law discussed above I hold that the action of the management of State Bank of India in not providing employment to Shri Shiv Narain Dixit Clerk/cashier after 27-1-81 (afternoon) and terminating his services is not fair just and legal.

16. The result is that the workman is entitled to be reinstated in service with full back wages.

17. I, therefore, give my award accordingly.

18. Let 6 copies of this award be sent to the Government for publication.

Dt. 30-7-85.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/135/81-D.II(A)]

नई दिल्ली, 14 अगस्त, 1985

का.आ. 4064.—ओर्गेनिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधनमें सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्गेनिक विवाद में केन्द्रीय सरकार ओर्गेनिक अधिकारण, कानपुर के पंचात को प्रकाशित करता है, जो केन्द्रीय सरकार की 5-8-85 प्राप्त हुआ था।

New Delhi, the 14th August, 1985

S.O. 4064.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the United Bank of India and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 84/1983

In the matter of dispute between:

Shri Ram Dular Pandey c/o Regional Secretary, United Bank of India, Sharmik Karamchari Samiti, 28/93, Birhana Road, Kanpur. Workman.

AND

Regional Manager, United Bank of India, Habib Ullah State, Hazrat Ganj, Lucknow. Management.

APPENDICES:

Shri Mangalvadekar—representative for the workman.
Shri S. C. Mitra—representative for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/72/81-D.II(A) dt. 19th February, 1982, has referred the following dispute for adjudication:

Whether the action of the management of United Bank of India, Lucknow, in reverting Shri Ram Dular Pandey, Special Assistant, to the post of Head Cashier, is justified. If not to what relief is the workman concerned entitled?

2. It is common ground that the workman Shri Ram Dular Pandey was an employee of the management bank and was working as Head Cashier, Hazratganj Branch, Lucknow. The workman was offered the post of Special Assistant at Lucknow branch which was accepted by him and he joined his duties on 24-1-79 and was confirmed with effect from 24-4-80, on 1-11-80, and the management served a notice on the management indicating its intention to revert the workman from the post of special assistant to the post of Head Cashier from 22-11-80. The management's plea of reversion is that the practice of the respondent bank has always been with ineligible candidates but who have once declined to accept the offer of special assistant are given a go by and are not offered the post of special assistant in future. That on retirement of one Shri Raghunarain on 30-12-79, the vacancy of special assistant raised. On going through the various records of the management it was found that Shri J. S. Shukla, Head Cashier of Lucknow Branch who was the senior most candidate of the station had once declined to the acceptance of the offer the post of special assistant at Agra, in 1970 consequently thus following the rules not to consider those who had declined the offer once. Shri Shukla was given go by and the next man Shri R. D. Pandey workman working as Head Cashier, Hazratganj Branch was offered the post of special assistant and who readily accepted the same. Subsequently a dispute was raised by the bank's employees association and it was pointed out on their behalf that the workman had once offered the post and he has refused to accept the same hence a workman was permanently debarred from promotion to the post of special assistant. On checking the personal file of the workman which is maintained at Head Office at Lucknow, but nothing was found therein. On reference to the Regional Office, it was found that the Regional Office by a telegram asked for the consent of the workman for the post to special assistant in Uttar Pradesh, which was refused by him by his letter dated 15-2-1972, and it was under these circumstances that the notice dated 1-11-80, was issued to the workman indicating intention to revert him to his substantive post from 22-11-80 as he was given the post of special assistant on mistake which on being discovered, the mistake was sought to be rectified.

3. The management raised preliminary objection that the reference appears to be under section 2-A of the ID. Act which was not maintainable. In the rejoinder the workman has averred that barring a person from higher post permanently for alleged refusal on single occasion is unjust and unreasonable. It was further averred that denial of posting of the special assistant offered as back in 1972 cannot be barred to him permanently and hence, once confirmed he cannot be deconfirmed. The workman has filed Annexure 1 to 2 and 3 which are letter for the post, confirmation letter and change of service condition for reversion having declined to work as special assistant in 1971.

4. On the other hand the management has filed the telegram sent in 1972 requiring the consent of workman for the post of special assistant and refusal letter of the workman dated 15-2-72, in which he declined to accept the offer of the post of special assistant. Both the documents are admitted by the workman.

5. The only question for determination is as to whether the refusal once should be considered as refusal for all subsequent promotions or not.

6. The management has not filed any list rule or circular indicating that the offer once declined debars a man for being considered in subsequent promotions for the post of that nature. On behalf of the management one Shri S. K. Banerjee has appeared in the witness box. He in the opening cross examination stated that the guide line mentioned in

para 3 of his affidavit are in form of circular from the higher authorities. No such circular has been filed. He has deposed that whenever a clerk is promoted to the post of special assistant and first of all station-wise seniority taken into consideration and then state-wise seniority and first station-wise seniority is given and then state-wise. He has further stated that it was also prevailing in the bank that if a person declines to go on promotion, the next man is promoted. He has further stated that that policy was circulated and no such circular indicating the policy has been filed by the management.

7. On the other hand Shri R. D. Pandey has appeared in the witness box. He has deposed that he expressed his inability to proceed on promotion in 1972 when enquired by a telegram. If he was agreeable to accept the post of special assistant in U.P. State. He has further stated that if Jai Shanker Shukla was senior to him or not.

8. It is true that promotions to special assistants particularly carrying pay which made on the basis of seniority and if the person eligible refuses to accept the same, the next person becomes eligible and he is appointed, if he accepts to go on promotion.

9. This procedure does not in the absence of any express Circular debars a man who has once refused to accept the promotion permanently. The effect of refusal would be that for the period he does not become eligible to be considered second time, he may lose his seniority and the special pay which he might have earned during that period. If Shri Jai Shanker Shukla declined to go on promotion the management was justified in offering the post to Shri R. D. Pandey in the absence of any express circular debarring a man to be considered for promotion if he once declines to accept the offer as was done by the workman in the year 1972. It does not mean that he is debarred for all times to come. Such a policy prevailing in the bank would be unjust and improper and in these circumstances I hold that the action of the management bank in reverting Shri R. D. Pandey, Special Assistant, to the post of Head Cashier is not justified and the workman will be entitled to the special pay from the date of his reversion.

10. I, therefore, give my award accordingly.

11. Let requisite number of copies of this Award be sent to the Government for publication.

R. B. SRIVASTAVA, Presiding Officer
[No. I-12012/72/81-D.II(A)]

का अ. 4065—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार में दल औंक औद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण, कानपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-85 प्राप्त हुआ था।

S.O. 4065.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 3rd August, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No. 95/81

In the matter of dispute between :

Shri Brijesh C/o Shri O. P. Nigam, 295/387, Deen Dayal Upadhyay Marg, Ashrafabad, Lucknow.

AND

The Divisional Manager, Central Bank of India, 20-A, Chak Jalal Gandhi Nagar, Gorakhpur.

APPEARANCE :

Shri O. P. Nigam, representative—for the workman and, Shri H. L. Chibbar, representative—for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification number L-12012/51/80-D.II A dated 21st July, 1981 has referred the following dispute for adjudication:

Whether the action of the management of Central Bank of India, Divisional Office, Gorakhpur, in depriving Shri Brijesh Ex-Substaff from permanent employment, inspite of his having been rated in the select list of such candidates drawn in 1972 is justified? If not to what relief is the workman concerned entitled?

2. It is common ground that before bank's recruitment policy a test and interview was held in the year 1972, and on the basis of that merit list of successful candidates was prepared in which the workman Shri Brijesh name appeared at serial no. 53 in order of merit in the general category. In pursuance of the same he was given temporary chances in the year 1972-73 as well as in the year 1974 upto 8th May, 1974, but his services were abruptly terminated and he was not allowed any further chances..

3. The workman has averred that in that way he had worked total period of 205 days upto 8th May, 1974, when other juniors to him were allowed to complete 240 days during a year. The workman has further averred that persons below him in the merit list were as under :

Number in merit list	Name
1. 89	Shri Krishna Prasad
2. 98	Shri Mohan Lal
3. 99	Shri Rajnath Mishra
4. 129	Shri Amar Nath Mishra
5. 130	Shri Gani Singh
6. 131	Shri Ram Sumiran Mallah
7. 160	Shri Anil Kumar Gutta
8. 167	Shri Dayanand Goswami
9. 170	Shri R.C. Bhatt
10. 172	Shri Chandra Mohan Tondan

and in this way the management also adopted the policy of pick and choose against the instructions contained in the circular for the purposes of recruitment. The workman has further given a list of candidates who were below him in the merit list but were taken in the service as permanent hands in the year 1974, 1975 and 1976. The names of those persons are as under:

1. 64	Shri Prahlad Prasad	1-01-75
2. 71	Shri Bhagwati Prasad	1-9-1974
3. 113	Shri Prahlad Nath	6-11-74
4. 141	Shri Ram Kanodia	12-10-74
5. 145	Shri Ram Bhajan	2-12-74
6. 148	Shri Panna Lal	3-07-75
7. 157	Shri Ram Jaman Ram	5-05-75
8. 163	Shri Inde Lal	1976
9. 164	Shri Baboo Ram	5-0-75

In this way merit list dated 31-7-72 was taken into consideration for permanent absorption till 1976. That despite merit list number of persons were given permanent absorption from 74 to 79.—It is further averred that the Divisional Manager Lucknow did not notify the requirements as contained in the circular no. 4 of 1968 nor was clarified as to how many candidates were appointed from the merit list dated 31-7-1972. The back log of the Schedule Caste and Scheduled Tribes from 1-11-70 to 1972 was complied. There was no back log for absorbing them till 31-12-1977. The management have been unjust in contending that the merit list has out lived its utility after completion of one year as persons have been appointed from the list were allowed upto 74 and persons were appointed from that list even till

1978-79. In the end it is averred that the earlier merit list of July, 1972 is quite illegal and unjust and that the applicant be absorbed in permanent service of the bank with full back wages.

4. The management bank raised preliminary objections that the applicant was not a workman and was not entitled to raise industrial dispute and further mere empennalment will not entitle him to any claim for permanent absorption in the bank's services. The management has also filed circular dated 31-7-72 Annexure M 1 of the written statement giving list of the approved candidates for substaff in which the name of the applicant Shri Brijesh appears at serial no. 53. In this circular it was mentioned that the list will remain in force upto 31-12-73. It is further averred in the written statement that according to the circular dated 6-5-68 such all the list of the approved candidates remain operative for one year only. There is nothing in this circular alleging and limiting the light of the merit list for one year only. It appears that the inference is drawn from para (i) of the circular under Head Requirement which runs as follows :

The Chief Agents and the staff department of the Head Office in consultation with the offices and departments under their charge will prepare in the beginning of every year for this year immediately on receipt of this circular a personnel budget indicating their requirements of additional staff under the various categories i.e. subordinate, clerical, typists, godown, cash, stenographers, and to cover replacement by way of anticipated retirements, increase in business, opening of new branches and Godowns and obtain specific head office approval with regard to their cases to the head office they will supply full data and advance cogent reasons explaining why it is not possible to carry on work with the existing strength.

It is further laid down in the said circular as follows :

From the final list of candidates selected the names of those candidates who have been approved but could not be given any appointment for want of vacancy, will be kept on a waiting list, such a list should be prepared for each category of staff and any vacancies arising in these categories during the course of the year should be first offered to such candidates whose names appear in the waiting list in the order of merit. Temporary staff, if required at any time, should also be strictly drawn from this list. In other words, no one who has not qualified in the written and interview test should be appointed even as a temporary member of the staff.

This direction contained circular no. 4 of 1968 categorically states that the list will not be scrapped after the close of the year rather it lays down that it may be kept as waiting list and persons in all further appointments of the temporary staff shall be made from that. Subclause (iii) of the same circular further lays down as follows :

All those employees who have been in the temporary employment in the bank and who has served the bank for minimum of 3 months and whose work and conduct have been found satisfactory will be given preference while filling in all permanent vacancies. A list of such candidates should be prepared and put up on the notice board of branches and copy of the same sent to Head Office.

5. It is further averred by the management that in the list of 1972 no reservation was made in favour of the Scheduled Caste or Scheduled Tribes candidates. Ex-service man but in view of the letter of the Regional Office dated 25th May, 1974 Annexure M-2. The backlog of the Scheduled Castes and Scheduled Tribes was to be filled up and if not completed it was carried forward till completion, consequently a circular was issued from the regional office Annexure M-3 for withholding a special recruitment for Scheduled Caste and Scheduled Tribes and in view of the said direction a test was held in the year 1974 and on that account the merit list annexure M-1 became inoperative. It may be mentioned here that there was no direction that

the merit list prepared after test in July, 1972 be scrapped and should not be maintained even as waiting list and since back log had to be completed there was no question of giving temporary appointment to the workman. The bank admits that the persons mentioned in para 8 of the claim statement were given permanent absorption because they had completed 240 days in one calendar year while as the workman had not done so. It is further admitted that the persons belonging to Scheduled Caste and Scheduled Tribes in the above merit list M-1 were given appointment to fulfill the back log of Scheduled Caste and Scheduled Tribes and thus the averments of para 9 admitted. The management has further admitted that the persons mentioned in para 11 of the claim statement were given appointment on the dates mentioned against their names as they are sons and daughters of the banks employees.

6. In the rejoinder taking into consideration the back log of SC/ST from 70 to 73 as given in annexure M-1, M-2, the workman has given a chart indicating that upto 76 the back log was filled upto 72 and as such there was no vacancies of the Scheduled Caste and Scheduled Tribe till then and by the end of 79 only 5 S.C. and 6 S.T. were to be recruited upto 1970 and hence there was no occasion to make fresh advertisement for S.C. and S.T. upto 1974 and thus the management deprived the workman from continuing in the management's service. It is further averred that even S.C. and S.T. candidates were taken from the merit list of 1972 and there was no reason to stop the recruitment of the general candidates from the list. In the rejoinder the workman took the stand that neither he was given discharge letter or notice for termination and accordingly no register was maintained by the bank management as required under para 493 of the Sastri Award.

7. The management has examined Shri P. K. Dey on affidavit. In the affidavit it is averred that in view of the letters of the Head Office to fill up back log in further vacancies of scheduled caste and scheduled tribes a test was held on 1-12-74. The cross examination of this witness was carried forward in several dates. In his part of his cross examination he stated that appointment from the merit list made upto December, 1973. In later cross examination he admitted that the bank appointed people who had completed 240 days in 12 calendar months till 1974 and not only December 73 and that the recruitment of staff of merit list left in view of circular no. 4 of 1968, and was superseded by circular annexure M-2 dt. 25-5-74, regarding recruitment of the rules. In further cross examination on 13-3-84, the management witness admitted that whenever any one completed 240 days we gave him job under supreme Courts judgment. He took further time to explain about appointment of specific persons. On the point of back log, the management gave information on 31-12-74 that there was back log of 5 scheduled caste and one schedule tribe. On 31-12-75, it was 7 S.C. and 2 S.T. On 31-12-76 it was 7 S.C. and 2 S.T. and on 31-12-77 it was 10 S.C. and 2 S.T.. If the back log of the scheduled caste and scheduled tribes till December 74 was only 5 S.C. and 1 S.T. which could be filled and was filled from the merit list of 1972. There was no occasion for holding a recruitment test for Scheduled Caste and Scheduled Tribes candidates in December 74 and thus stopping the recruitment from the merit list of 1972. The management vide endorsement of the order issued has admitted that Shri Chandra Prakash who had secured less number of marks. It is further admitted that Shri Chandra Prakash and Krishna Prasad who had secured less number of marks than the Brijesh were given regular appointment as Chandra Prakash had completed 240 days between 1-5-73 to 30-4-74 and Krishna Prasad had completed 316 days between 1-11-73 to 31-10-74. Thus Shri Krishna Prasad was allowed to work for more than 5 months when he was junior to the workman and thus completed more than 240 days work in one year.

8. The workman has not given any oral evidence and relied on the evidence on record. It is true that empanelment will not give any right to the workman to be absorbed in permanent vacancies but it is shown that their termination has not been in good faith or had been not following the fair play, the Tribunal would be justified in interfering with the order of the termination. I am supported in my view by law 658 GI/85--6.

laid down in Shri S. B. Srivastava Versus Benaras Electric Supply Company Ltd., wherein it was held :

If Labour Court finds that the order of termination has not been exercised in good faith or that it was not resorted to from the arbitrary or capriciously notice arbitrarily it would be unjust in interfering with the order of termination.

It has come in the evidence that from this list persons were employed in the year 1974, but according to the management they employed for the first time because they were persons following to schedule caste and scheduled tribe. The circular no. 4 of 1968 extensively quoted above does not show that the merit list prepared on 31-7-72 stood terminated on 31-12-73. Rather it is admitted that the list was continued and scheduled caste and scheduled tribes candidates were appointed from that list even in 1974 as given in circular para (c); no waiting list was prepared and workman had worked for 205 days when his services were abruptly terminated on 8-5-74 having been given temporary appointments in the year 1972, and 1973. Even if Chandra Prakash who being a scheduled caste candidates was given an edge over the workman Krishna Prasad who was junior to the workman in the gradation list should not have been allowed to continue till 11-10-74 and the workman terminated on 8-5-74. The workman having a better claim in the merit list should have been continued and the Juniors persons particularly Krishna Prasad should have been dispensed with. Had the workman been allowed to work even till 31-10-74 and there by working for about 54 months, he must have been completed for more than 240 days by that time. This had been a clear case of discrimination. Thus the termination of the workman has not been effected in good faith and fair play and is liable to be struck down on that count. Further the management did not observed any of the provisions either of the Sastri Award's para 493 nor provisions of notice before termination of a temporary employee as required under para 522 of the said award.

10. In these circumstance, the termination being not in accordance with the law and being not in good faith and fair play is liable to be struck down.

11. The result is that the workman will have to be reinstated with full back wages.

12. I, therefore, hold that the action of the bank management i.e. Central Bank of India, Divisional Office Gorakhpur in depriving Shri Brijesh Ex Sub-staff from permanent employment, inspite of his having been rated in the select list of such candidates drawn in 1972 is not justified, and the workman Shri Brijesh is entitled to be reinstated in service with full back wages.

13. I, therefore, give my award that workman Shri Brijesh shall be reinstated with full back wages.

14. Let 6 copies of this award be sent to the Government for its publication.

dated : 30th July, 1985

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/51/80-D.II(A)].

नई दिल्ली, 19 अगस्त, 1985

का.आ. 4066.—बीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के समरण में केन्द्रीय सरकार, बैंक और इंदिया के प्रबंधनसंघ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट बीदोगिक विवाद में केन्द्रीय सरकार बीदोगिक अधिकारण, कानपुर के पंचाट को प्रत्यायित करने हैं, जो केन्द्रीय सरकार की 6-8-85 प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4066.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in

the industrial dispute between the employers in relation to the management of Bank of India, and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

I.D. No. 105/83 and 106/83

In the matter of dispute between :

Shri Ramesh Chandra Shukla (I. D. No. 105/83)

Shri Ashok Kumar Mishra (I. D. No. 106/83)

C/o General Secretary Staff Union, Bank of India, Life Insurance Building, The Mall, Kanpur.

AND

The Deputy General Manager, Bank of India, Nawal Kishore Road, Mohini Mansion Road, Lucknow.

Shri V. N. Sekhari representative—for the workman and
Shri Jagat Arora, representative—for the management.

AWARD

I. D. No. 105/83

The Central Government vide its Notification No. L-12012/321/81-D.II (A) dated 20th May, 1982 has referred the following dispute for adjudication :—

Whether the action of the management of Bank of India Lucknow in terminating the services of Shri Ramesh Chandra Shukla Clerk Kannauj Branch, w.e.f. 2-4-75 is justified. If not, to what relief, the workman is entitled ?

I. D. No. 106/83

The Central Government, Ministry of Labour, vide its Notification No. L-12012/320/81-D.II (A) dated 28th May, 82 has referred the following dispute for adjudication :—

Whether the action of the management of Bank of India, Lucknow in terminating the services of Shri Ashok Kumar Mishra, Clerk, Kannauj Branch with effect from 19-2-85 is justified ? If not, to what relief the workman concerned is entitled ?

1. It is common ground that the workman Shri Ramesh Chandra Shukla, was employed in the management bank on 25-2-74 on temporary basis at management's Kannauj branch. Though it is denied that the workman worked for more than 240 days in 12 calendar months against the assertion of the workman to that effect but he remained in service till 24-4-74. The management has however, admitted that the workman remained in the employment of the management bank till 2-4-75 after his initial appointment for two months and reemployment from time to time to exigency of work in the bank. The management bank contention is that as the workman has worked for a stipulated period on a temporary post so there can not be any question for paying him retrenchment compensation. The management has denied that the workman had actually worked for 300 days in the bank. The case on behalf of the workman is that he had worked for 381 days against the clear vacancy which was ultimately filled in March 75 and workman's services were terminated thereafter on 2-4-75. It is further contended that the workman was not given any notice or notice pay or pay in lieu of notice or retrenchment compensation. The management appointed several new hands after termination of the workman hence provision or section 25G and 25H of the I. D. Act read with rule 77 and 78 of the Central rules have been violated. It is consequently prayed on his behalf that he be reinstated with full back wages. The management has denied that workman worked in a clear vacancy and for stipulated period hence provision of section 25G and H are not attracted.

2. The management took two preliminary objections that the reference is belated and that the General Secretary of the union is not authorised to present and sign the claim statement of the workman.

3. In the case of Shri Ashok Kumar Mishra it is common ground that he was also appointed in the management bank on temporary basis. It is further admitted that the service of the workman were extended till 19-2-75 after his initial appointment and reinstatement from time to time due to exigency of work. It is however, denied that the workman worked for 312 days in one calendar year. On behalf of the workman it is contended that after having worked for 240 days in one calendar year he was terminated without any notice and retrenchment compensation under the I. D. Act and without following the provision of section 25G and H. Several new hands were appointed by the bank later to the termination of the workman hence the workman is entitled to reinstatement with full back wages as prayed for. It is also contended on behalf of the workman that said Mr. A. K. Mishra was appointed in a clear vacancy and after his termination on 19-2-75 new hands were appointed. The management has denied that the provisions of section 25G or H are attracted under the circumstances of the case and he was appointed for stipulated period on a temporary basis.

4. On the point that the reference is belated there is no provision under the I. D. Act specifying any limitation for sending the reference for adjudication. It is in the wisdom of the government to refer a dispute or not to refer a dispute and reference even if belated despite even if the government think it so proper. Secondly the workman is entitled to bring this case directly without interference of the union through conciliation in a case of dismissal removal or reduction in rank and in all other cases if it is the union which sponsors the case of its workman and if the union sponsors the case at the initial stage in RLC and the government refers that union's dispute, it is the union necessary party who is competent to sign the claim statement and not the workman. Objection on this count is also bad.

5. The management has filed appointment letter dated 21-2-74 which admitted and whereby the workman Shri Ramesh Chandra Shukla was appointed as temporary clerk from 25-2-78 to 24-4-78. In that letter the date of assuming duty was mentioned as 25-2-74 and the basic pay and D.A. was also mentioned. The workman had admitted that he worked from 25-2-74 to 24-4-76 in the management bank for 59 days and thereafter there was a break, though he was again appointed on 29-4-74 for which there was no appointment letter on the record.

5. Similarly in the case of Shri A. K. Misra, the management has filed the appointment letter dated 21-2-74 mentioning that the appointment will be of temporary clerk for two months w.e.f. 25-2-74 to 24-4-74 on the pay indicated. This document is admitted and it is further admitted that the workman worked for 59 days from 25-2-74 to 24-4-74 and there was a break and after break he was again appointed on 29-4-78. It may be mentioned at the very outset that there was no appointment letter for subsequent appointments.

7. It has been argued by Shri Jagat Arora counsel for the management bank that the legislature by adding sub-clause (bb) to the definition of clause sec. 2-B(oo) regarding retrenchment has made clear that the retrenchment will not include the termination of service of the workman as a result of the non-renewal of the contract of employment between the employer and workman concerned on its expiry or on such contract being terminated under stipulated in their behalf contained therein.

8. He has argued that this appointment is by way of clarification and has retrospective effect and will apply to all pending cases where as the representative for the workman has argued that all such appointment have to take effect from the date it is incorporated and is to be reckoned as retrospective period that this (bb) was inserted by act 1949 of 1984 w.e.f. 18-8-84. My attention was drawn to the industrial dispute amendment act 1984 to statement of object and reasons. Para 2 sub-clause (i) which lays down as follows :

The amendment proposed in the bill are mainly to clarify certain doubts expressed by courts on the validity of certain provisions of the Act. The bill inter alia, seeks to make the following amendments in the act, namely :—

Difficulties have arisen in the interpretation of the expression "retrenchment. It is proposed to exclude from the definition of retrenchment as contained in the act termination of the service of a workman as a result of the non renewal of the contract of employment on its expiry and of the termination of such contract in accordance with the provisions thereof.

The work itself proposed to exclude from the definition of retrenchment simply hence the legislature in its wisdom wants that contract employment for stipulated period should not be reckoned as retrenchment in future interpretation. It does not speak that it has always been the intention in the legislature that this should have not been included in the expression of retrenchment and had it been itself intention it could have been mentioned that the amendment shall have retrospective effect.

9. It is common ground that the amendment takes effect on the day it comes into force. This it may not apply to the cases adjudicated and closed earlier but it will apply to the pending cases after the date of amendment.

10. The workman filed another appointment letter dated 29-4-74 giving appointment the same day and worked upto 28-6-74. It was also mentioned in this letter that the services of the workman will come to an end on 28-6-74 and this letter was also accepted by the management.

11. But his services were terminated in view of stipulation and that it may be terminated earlier w.e.f. 24-6-76 vide letter dated 20-6-76 which too is admitted and is on the record. The management has further filed original appointment letter dated 21-2-74 whereby the workman was appointed initially on 25-2-74.

12. The workman has filed a certificate issued by the management bank's Kannanji Branch which is dated 12-11-75 alongwith his affidavit's annexure to substantiate para four of the affidavit that the workman worked for a total of 381 days in the management bank from 25-2-74 to 2-4-75. Even excluding the first two spell of appointment totalling 112 days, the work done by the workman in past 12 calendar months counting from 2-4-75 comes to over 210 days.

13. Similarly in the case of Ashok Kumar I. D. No. 106/83, the management has filed first appointment letter dated 21-2-74 whereby Shri A. K. Misra was appointed as temporary clerk w.e.f. 25-2-74 to 24-4-74. This appointment letter is admitted. Alongwith his first affidavit the workman has filed the banks certificate indicating that he worked for 312 days as mentioned in para 4 of his affidavit. Even if the period of 59 days served by the workman on the basis of appointment given for stipulated period. The workman worked for more than 240 days counting 12 months from 19-2-75.

14. The management witness Shri M. N. Bhatt MW-1 has admitted that he is not certain if the workman P. C. Shukla worked for 381 days during the period February 74 to April 75. However, that stands concluded by certificate given by the management bank annexure (i) of the affidavit of Shri Ramesh Chandra Shukla. Similarly in the case of Shri A. K. Misra the working days stands concluded by certificate given by the management on 6th September, 75 and filed by the workman which is admitted. It is admitted that the management does not maintain any register for retrenchment. He has deposed that they were appointed for temporary increase in work but he is not able to say whether the workman was of permanent nature even if that be so after expiry of 90 days in view of para 20.8 the workman will not become a permanent workman and it is only when he is appointed on that post, the temporary period be reckoned as part of his probationary period. Workman Shri R. C. Shukla has admitted in his cross examination that he received appointment letters on all occasion and it may be mentioned here that all those appointment letters are not on the record and only those filed have been taken into consideration. He has deposed that he worked at several counters and other departments in permanent nature of work. He has deposed that he appeared in test and interview and on that basis he get a appointment letter on 22-2-74. Even if that be so he was given only temporary appointment and not permanent appointment. He

appeared in other test held at Farrukhabad. The workman Shri R. C. Shukla has deposed that he is not gainfully employed anywhere.

15. Similarly workman Shri Ashok Kumar Mishra has stated that he is not gainfully employed any where. He too admits that he got all appointment letters but all are not on record and what ever has been filed has reckoned. It was the duty of the management to have filed the copies of all the appointment letters to show that the period has been excluded for the purposes of retrenchment. As it is admitted that no retrenchment compensation was given no notice or notice pay was given no reemployment was given after the final termination of the two workmen despite the fact that fresh appointments were made, the mandatory provisions of the industrial dispute act incorporated under section 25F, G and H have been violated, and the result is that the workmen is entitled to be reinstated with full back wages in his post.

16. It has been argued by the representative for the management that in case reinstatement is allowed that will have far effect from the judgement of the Delhi Tribunal wherein a lump sum compensation may be allowed to the workman in lieu of retrenchment compensation. It is for the management to deal with the workman for the present for non compliance of the law and for no other exonerating circumstances and as a banking industry is a ever growing industry, I see no reason not to grant retrenchment compensation.

17. I, therefore, hold that the management in both the case of Shri Ashok Kumar and Ashok Kumar Mishra was unjust in effecting the termination on the dates specified in their reference order without granting retrenchment compensation and the effect is that they have to be reinstated in service with full back wages. I, therefore, give my award accordingly.

18. My attention was drawn to the ruling S. K. Verma Versus Central Government 80 Lab. JC 1292 S.C. wherein it was observed :

We however emphasize the condition that salary on reinstatement of the workman will be the salary which they were drawing when they were retrenched subject of cross to any revision of scale that might have made meanwhile and the period from the date of retrenchment to the date of reinstatement will not be taken into account for the purposes of reckoning seniority of the workmen amongst temporary employee.

The respondent is free to deal with its employee who are temporary according to law.

19. The management is free to deal with them after reinstatement according to law.

20. I, therefore, give my award accordingly.

21. Let six copies of this award be sent to the Government for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/321/81-D.I.B (A)]

का. अ. 4067.—अंतर्राष्ट्रीय वित्त अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय मंत्रालय द्वारा देशीय के प्रबंधन से सम्बद्ध नियुक्तियों और उनके कर्मकारों के बीच, अनुशंश में निविदा अंतर्राष्ट्रीय वित्त में केन्द्रीय मंत्रालय अंतर्राष्ट्रीय अधिकारण, नानपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय मंत्रालय का ५-८-८५ की प्राप्त हुआ था।

S.O. 4067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Bank of India and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No. 1/1983

In the matter of dispute between :

Miss Kiran Kapoor care of The General Secretary, Bank of India Staff Union (U. P. Branch), C/o Bank of India, LIC Building, The Mall, Kanpur.

AND

The Assistant General Manager, Bank of India, 1 Naval Kishore Road, Lucknow.

APPEARANCES :

Shri V. N. Sekhari representative—for the workman and Shri Jagat Arora representative—for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/314/81-D.II (A) dated 29th July, 1982, has referred the following dispute for adjudication :

Whether the action of the management of Bank of India in terminating the services of Miss Kiran Kapoor, Clerk-cum-typist of Hardoi Branch, with effect from 15-2-75 is justified ? If not, to what relief the workman is entitled ?

2. It is common ground that Miss Kiran Kapoor, was appointed as clerk-cum-typist for a period of two months and her tenure of service in the bank with breaks continued upto 15-2-75 on which date her service were terminated without any reason.

3. It is contended on behalf of the workman that workman worked total 241 days during the span from 13-5-74 to 15-2-75 as is evident from the chart given below :

13-5-74 to 12-7-74
25-7-74 to 24-9-74
16-10-74 to 15-12-74
20-12-74 to 19-01-74
21-01-75 to 15-02-75

4. The above working days have been certificated by the management's letter dated 2-4-75 photostat copy of which was filed by the workman and accepted by the management. It is averred that on the date of termination she was neither given notice or notice pay or retrenchment compensation as she had put in service for more than 240 days, thus the termination would be illegal. That after the termination of his service after 15-2-75 new hands were appointed but she was not given any opportunity and in that way provision of section 25G and H of the I. D. Act read with rule 77 and 78 of the I. D. Central Rules have been violated. Consequently it is prayed that she be reinstated in service with full back wages.

5. The management has raised two preliminary objections firstly that reference is bad in law being belated and that Shri J. C. Theraja Central Secretary of the bank staff union was not competent to sign the statement of claim. It is further averred that Miss Kiran Kapoor worked for less than 240 days as she remained absent from date on 14th August, 74 and on 15-12-74 and again on 15-1-75 which were working days. It is also contended that she did not work on Sundays' and holidays her total service in the bank is much less than 240 days and hence there was no question of paying retrenchment compensation. The management has further denied that the provision of section 25H or G are not attracted hence the management has not violated the provision of this sections. In the end it is submitted that Miss Kiran Kapoor was gainfully employed after being ousted from bank and is not entitle for back wages on that count.

5. In the rejoinder, the union on behalf of the workman has averred that there is no limitation for raising the dispute and as a matter of fact the workman in question is running from pillar post of redressor of her grievances. It is true that there is no limitation for raising the dispute and also

no limitation prescribed under the industrial dispute act and industrial dispute has been raised it is for the government to refer or not to refer a dispute hence it has been referred the wisdom of the government can not be questioned as to why that has been made. The contention of the management is therefore, repelled on that account and it is held that reference is not bad in law.

7. The documents on record show that it was the union which raised the case before conciliation which ended in failure and consequently the government referred the dispute to the Tribunal for adjudication and intimated the General Secretary of Bank of India Staff Union for information. Thus General Secretary of the Union who was fully conversent with the case of the workman rightly filed the claim statement under his signatures. The objection of the management is also repelled on this count also.

8. The question of advertisement, test and interview are insignificant in view of the appointment letter filed by the management and is admitted by the workman which is Ext. WM-1. This letter clearly shows that the workman was appointed temporary clerk-cum-typist w.e.f. 13th May, 79 on basic pay of Rs. 190 plus D.A. It was also mentioned in the appointment letter that the workman will not be entitled to any benefit or leave except holidays and she will cease to be in bank's service on 12-7-74. After final termination on 15-2-75 another person was appointed namely Shri S. K. Srivastava, again on temporary basis. It is further averred in the rejoinder that after the termination of Miss Kiran Kapoor on 15-2-75 from 16-2-75 another person was appointed and thus paras 595, 522 of Sastri Award and 20.7 and 20.8 of the bipartite settlement have been violated. On the vacancy caused by termination of workman Shri S. K. Srivastava was appointed which is violating the provision of section 25F of the I. D. Act. It is contended that the workman was present in the bank on 14-8-74 and 15-1-75. In the end it is averred that the workman is not gainfully employed any where.

9. On behalf of the management Shri M. N. Bhatt appeared in the witness box and finally his evidence by affidavit dated 3-3-84. He has admitted that Miss Kiran Kapoor was not given notice or notice pay or retrenchment compensation, that no service record was maintained nor any register of temporary employees was maintained except attendance register of the employee. He is not able to say if Shri S. K. Srivastava appointed after termination of the workman is still working and has been confirmed in the service of the bank. He further could not say that after termination of the workman other persons suggested to him were appointed as temporary hands. He has admitted that Shop and Commercial Act is applicable to the bank and no leave or casual leave was given to the workman as she was not entitle for it. When confronted that the leave application filed by the workman he stated that he was not able to tell if these were the applications filed and sanctioned for 14-5-74 and 15-1-75 but looking to the attendance register he stated that she was absent on 14-8-74 and 15-1-75. He has deposed that the lady was paid for the holidays, Sundays but not for 9 days she was absent. The leave of 14-8-74 is marked in the attendance register as A and in the remark column it is written as leave without pay for one day i.e. for 14-8-74 and similarly for 15-1-75 no attendance is marked on the application for the said date, it is written that no pay and no allowance was to be given. He has admitted that the workman was appointed to clear off the increased work but was not able to say that increased work was of a permanent nature. He has however, admitted that the work of clerk-cum-typist is still existing as continuous work in the banking industry.

10. On the other hand Miss. Kiran Kapoor workman which work includes working lady also appeared in the witness box. In her affidavit she has stated that she did not remain absent from duty on the three dates alleged as for 14-8-74, 15-1-75, she applied for leave for one day which she was medically entitled to be granted and was paid for those days and those days can not be treated as break or absent or without break. She has further averred that she had gone to the bank on 20-1-75 but was treated on leave and given work from 21-1-75 and she was arbitrarily terminated from 15-2-75 without giving any termination letter.

11. It has come in evidence and as is evident from the bank's attendance register that 15-12-74 was Sunday and

on other two dates i.e. 14-8-74 and 15-1-75 Miss Kiran Kapoor was on casual leave and one of the application filed by the working lady. It is noted on the same that she will not be entitled for that day i.e. 15-1-75 but no such endorsement is there in the attendance register. It does not bear the signature of the officer giving no pay and no allowance. For 14-8-74 there is no endorsement on the application but in the attendance register it is mentioned that leave will be without pay. Despite endorsement in the attendance register as well as in the casual leave application workman Miss Kiran Kapoor filed affidavit that she was paid for those casual leave on 14-8-74 and 15-1-75. It was duty of the management to direct her at the time of cross examination that she was not paid for those days. Though when asked in cross examination she stated that she did not know if she was paid salary for those days or not. The burden lay on the management in view of the affidavit and the preliminary evidence that the payments issued should have been filed and proved by the management to substantiate its stand which has not been done in the instant case. The mere fact that casual leave was granted to the workman shows that casual leave was admissible to temporary employees and what was excepted in appointment letter Ext. MW-1 was leave which is admissible to the permanent employees i.e. privilege leave etc. If casual leave was admissible to the workman under para 13.28 she was entitled to pay and allowance as if she was on duty and it was on that count that as alleged by her in her affidavit she was paid for those days and which could not be directed by the management by production of pay sheets. Thus those two days being working days for the lady. The certificate issued by the management dated 2-4-75 and admitted by the management stands substantiated and thus she has put in 241 days work in 12 calendar months and as admittedly no retrenchment compensation was given to her she will be entitled to retrenchment compensation and notice pay. In view of law of retrenchment as laid down in case law Sunder Mony and others the termination in the absence of retrenchment compensation and non compliance of section 25F of the I. D. Act the termination became void ab initio and the result is that she will be entitled to be reinstated in service with full back wages.

12. On behalf of the management it was urged that Miss Kiran Kapoor having not worked continuously for 240 days in one calendar year and there being breaks she will be entitled to benefit of continuous service if only she proves that she had actually worked for 240 days. It is in view of section 25B (2). It is contended that on holidays and Sundays she did not work and excluding holidays and Sundays the working days comes less than 240 days and hence she would not entitle for reinstatement with full back wages. In support of its contention reference referred before me A Parthasarthy Versus Management Standard Motors Products of India Limited and another ILR 1979(2) page 264 Madras wherein it was held :

The words actually worked would not include even holidays much less Saturdays and Sundays for which full wages are paid. The words days worked itself would normally mean days actually worked. The legislature as it to give emphasis has also added the word actually. There could therefore be no scope for argument that paid holidays are to be included in actually worked. The explanation to Sec. 25B has included in this actually worked days certain decided actual working days certain days which are provided in the explanation could be included in calculating 240 days in addition to the actual working days. The meaning of words actually worked can not be enlarged beyond what is contained in the explanation.

13. In Lallappa Lingappa and others Vs. Laxmi Vishnu Textile Mills Sholapur, S.C. I LLJ page 308 wherein it was held :

The High Court was right in holding that the permanent employees were not entitled to payment of gratuity for the years they remained absent without leave and had actually worked for less than 240 days in a year.

14. Thus the workman having not completed 240 days in a year was not entitled to retrenchment compensation and consequently her termination for non payments of ret-

renchment compensation would not be legally and invalid. However, there is yet another section 522(5) of the Sastri Award wherein it is laid down that there should have been a termination letter and in the case of temporary employees and in view of sub para (4) of 522, 14 days notice or notice pay should have been given.

15. Now coming to the point of section 25G and H of the I. D. Act, it has been argued by the representative of Miss Kiran Kapoor that her termination on 15-2-75 one Shri Anil Kumar continued to work being junior to her when she was retrenched from the bank and that after her termination Shri P. K. Tewari etc. Harish Kumar Padmakar etc., were given appointment. She was not cross examined on the point but the attendance register does not show Anil Srivastava as workman allowed to continued to work. As a matter of fact there was no Anil Kumar Srivastava employee in the bank as per attendance register. One Shri S. K. Srivastava who continued from before her appointment was also terminated on the very date she was terminated but reappointed from 24-2-75. The attendance registers shows that Shri P. K. Tewari, Harsh Kumar and Padmakar were appointed in the month of April 75 and lateron Padmakar and Y. N. Gupta were appointed in July 75. In view of this her ascertain becomes correct and she should have been given reappointment in view of section 25H of the I. D. Act. As held in the case of B.I.C. Vs. Labour Court :

Retrenchment of chowkidar-reorganisation of business-appointment of new chowkidars-without offering opportunity to retrenched workman for reemployment—held that employer contravened mandatory requirement section 6Q of U.P. I. D. Act (sec. 25 of I. D. Act), retrenchment not malafide-workman entitled to reinstatement.

16. Thus there is violation of section 25H and not 25G as alleged.

17. The management has not filed any of the appointment letters except the first appointment letter Ext. WM-1. Miss Kiran Kapoor has admitted that she used to get appointment letter for specific period mentioned therein but she did not get any appointment letter for the appointment given for 21-1-75 to 15-2-75.

18. Even if the contention of the management is allowed that those period for which there was specific appointment letter for a specific period mentioned it would not be retrenchment in view of amended definition of retrenchment and addition of (BB) in section 2(oo) which lays down as follows :

Termination of service of workman as result of non renewal of contract of employment between the employer and workman concerned on its expiry or such contract being terminated in stipulated in that behalf contained therein shall not be included in definition of retrenchment.

Even if the last spell from 21-1-75 to 15-2-75 being without appointment letter and sudden termination would amount to retrenchment and section 25G would apply.

19. Thus in view of the non compliance 25G the termination of the workman would be malafide and also on account of the fact that she was not given 14 days notice before her termination. The result is that the termination would be illegal and the workman would be entitled to be reinstatement with full back wages.

20. I accordingly hold that the action of the management bank M/s. Bank of India, in terminating the services of Miss Kiran Kapoor w.e.f. 15-2-75 is not justified and she is entitled to be reinstated in services with full back wages.

21. I therefore, give my award accordingly.

22. Let six copies of this Award be sent to the government of publication.

Dated : 29th July, 1985.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/314/81-D.II (A)]

का. आ. 4068.—ओर्डोगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में केन्द्रीय भर्कारी, स्टेट बैंक ऑफ मेसूर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट ओर्डोगिक विवाद में ओर्डोगिक अधिकरण, बंगलार के पंचाट को प्रकाशित करनी है, जो केन्द्रीय भर्कार की 6-8-85 को प्राप्त हुआ था।

S.O. 4068.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Mysore and their workmen which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 30th day of July, 1985

PRESENT

Sri R. Ramakrishna, B.A., B.L., Presiding Officer
Central Reference No. 10 of 1980

I PARTY

Shri H. L. Prabhakara, No. 2006, SLN Street, Fort
Holenarasipur, Hassan District.

vs.

II PARTY

The Chairman & Managing Director, State Bank of
Mysore, H. O. Bangalore-9.

APPARANCES :

For the I Party—None present.
For the II Party—Sri

REFERENCE :

(Government Order No. L-12012/103/79-D. II(A)
dated 15-11-1980).

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, shortly called Act, has referred the above dispute to this Tribunal for adjudication as per the Schedule hereunder :—

SCHEDULE

“Whether the action of the management of State Bank of Mysore, Bangalore in discharging Shri H. L. Prabhakara, Cashier from their services with effect from 12th August 1976 is justified? If not, to what relief the said workman is entitled?”

2. The I Party workman being represented by an advocate has filed his claim statement on 7-3-1981. He has contended in his statement that he had put in 15 years of service and on 7-1-1976 the II Party served a show cause notice on some alleged misconduct purported to be under 19.5(e) and 19.5(e) of the I Bipartite Settlement. He has given his explanation on 13-1-76 pleading the reason for losing his temper and requested for pardon thinking that the matter would be dropped but the II Party dis-satisfied with the explanation and issued a charge sheet on 11-6-76. He has further contended that the enquiry he has accepted his guilt and gave his statement explaining the circumstances which had prompted him to lose his temper. The II Party having instituted the enquiry without proving the charges independently on the basis of acceptance of the guilt by him the Enquiry Officer submitted a report stating as “the extending circumstances explained and the assurance given against the recurrence may be considered before awarding punishment”. The II Party without considering the recommendation made by the Enquiry Officer has passed an order of discharge on 21-7-1976 invoking the clause 19.6(e) against which the I Party preferred an appeal to the Deputy General Manager which was rejected and also a special appeal was preferred in that regard.

3. The I Party further submitted that there was no question of even conducting an enquiry when he had already submitted that he had shouted under certain special circumstances but unfortunately the II Party has failed to take the above facts into consideration and the recommendation of the Enquiry Officer also not taken into consideration, therefore the decision of the II Party was perverse. He has further contended that the charges levelled against him do not constitute the gross misconduct contemplated under 19.5 of the Bipartite Settlement. That being so, the Punishing Authority not being justified in constraining the alleged misconduct and he is also not justified in not considering the past service records of the I Party while awarding the punishment nor it was the misconduct in the past was a charge in the instant enquiry. He has further contended that taking advantage of the emergency period and the helplessness of the I Party the order of discharge was passed which is highly disproportionate to the charge levelled. The II Party ought to have considered the difficulty of the I Party in getting employment elsewhere at the age of 34 years and hence his discharge is against the spirit of the Bipartite Settlement and hence this Hon'ble Tribunal may be pleased to pass an award holding that the discharge of the I Party is illegal and he is entitled to be re-instated in service with continuity of service and back wages.

4. The II Party have contended in their counter statement since the explanation given by the I Party was not acceptable the enquiry was instituted where he has pleaded guilty. It is further contended that the I Party on his own admission given reasons for his provocation which is a misbehaviour before the public and he is not a fit person to hold that post which demands certain amount of discipline. It is further contended that the I Party has flatly refused to attend to the customers of the Bank during the business hours and these he deliberately committed an Act of gross misbehaviour and therefore clause 19(c) was attracted.

5. It is further contended in the enquiry the I Party in a clear unambiguous words has admitted the guilt and when there is such an admission the question of proving the charges by the II Party does not arise. It is further contended that the II Party for the right reasons after considering all aspects of the matter and the past conduct of the I Party and in order to maintain proper discipline in the Banking Institution has rightly passed the order of discharge invoking the clause 19.6(c). The disciplinary authority passed the order of discharge after considering carefully the report of the Enquiry Officer, hence it is not a perverse order and it is in accordance with the law and spirit of Bipartite Settlement. It is further contended that the I Party has pleaded some circumstances for him to act are all irrelevant, once a charge is proved and there was no compelling reasons to take any other decision than the decision taken by the II Party. Hence they prayed for the rejection of the reference.

6. On the basis of the above pleadings, my learned predecessor has framed the following issues :—

- (1) Whether the domestic enquiry is in accordance with the principles of natural justice?
- (2) Whether the punishment was just and proper?
- (3) What order?

7. Findings :

Issue No. 1—Affirmative.
Issue No. 2—Affirmative.
Issue No. 3—As per order below

8. Reasons :

After framing of the issues on 1-6-1982 the case was successfully adjourned from time to time and the order sheet discloses that both the parties remained absent hence 5-4-84 this Tribunal has issued fresh notices to both the parties to appear and make progress in the case. On 16-4-84 the I Party even after service of the notice has remained absent throughout and the advocates who have filed vakalaths have also remained absent and since the burden of proving the discharge was placed on the II Party they have been asked to adduce evidence and accordingly they have examined the Enquiry Officer with regard to the validity of domestic enquiry. Since the I Party remained absent to make cross-examination or to lead his evidence it was closed on 22-6-85 and thereafter three adjournments were given with a hope that the I Party

will appear and co-operate in the progress of the case to enable this Tribunal to pass a considered order on the merits of the dispute. Since the I Party has not made any appearance the evidence on his behalf has been closed and the counsel for the II Party has addressed the arguments.

9. Issue No. 1.—With regard to the validity of domestic enquiry, the enquiry officer who is working as a Development Manager gave evidence that during 1976 he has been asked by the State Bank of Mysore to conduct a domestic enquiry as per the letter Ext. M-1 and the I Party has appeared before him and gave a letter to engage one Mr. Jagannathan on his behalf as per Ext. M-2 and he has been permitted for the same. He has further deposed the enquiry was commenced on 23-6-76 and on that day he read over the charge sheet Ext. M-3 and also asked the delinquent whether he has received the same then the delinquent has pleaded guilty which he has recorded in the proceedings. He has further deposed that after pleading guilty, the delinquent wanted to make a statement and accordingly the enquiry officer has allowed him to make a statement and obtained the signatures of delinquent and his representative to the proceedings. He has further deposed that after concluding the enquiry he has submitted his report after two days as per Ext. M-5.

10. On a perusal of the evidence of this witness and placing reliance on the enquiry papers, it is seen that all possible opportunity was given to the I Party workman and since he has pleaded guilty the enquiry officer proceeded to make his report. Hence I hold this issue in the affirmative.

11. Issue No. 2.—With regard to this issue the learned counsel for the II Party has submitted that the punishment awarded to the I Party workman is in accordance with clause 19.6 of Bipartite Settlement wherein the employee who found guilty of gross misconduct is liable to be punished in accordance with sub-clauses (a) to (e) and hence he has been discharged from service as the misconduct committed by the I Party workman amounted to gross misconduct under clause 19.5(c) of the said settlement. Though there is some force in the submission of the learned counsel that on a perusal of the statement given by the I Party workman coupled with his explanation offered before starting of the enquiry, the II Party should have passed the punishment shown in sub-clauses (b) to (d) of Clause 19.6. Since the I Party has failed to place any material before this Tribunal that one of the modes of punishment shown in sub-clauses (b) to (d) would have met the ends of justice I am compelled to hold that the punishment now awarded to the I Party workman is just and proper, hence I make the following award

AWARD

The action of the management of State Bank of Mysore, Bangalore in discharging Shri H. L. Prabhakara, Cashier from their services with effect from 12th August 1975 is justified. The parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer
[No. I-12912/103/79-D. II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 12 अगस्त, 1985

का. आ. 4069.—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केंद्रीय सरकार, मिटी बैंक एन. पी. नई दिल्ली के प्रबंधनात्मक से मम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डरिंग विवाद में केंद्रीय सरकार ओर्डरिंग अधिकारण, नई दिल्ली के प्रबंध को प्रकाशित करनी है, जो केंद्रीय सरकार को 5 अगस्त 1985 को प्राप्त हुआ था।

New Delhi, the 12th August, 1985

S.O. 4069.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government In-

ustrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Citibank N. A., New Delhi and their workmen, which was received by the Central Government on 5th August, 1985.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIAL,

NEW DELHI

I.D. No. 132/80

In the matter of dispute between

Workmen through

The General Secretary,

First National City Bank Staff Association (Regd.),

3, Sansad Marg, New Delhi-110001.

Versus

The Management of Citi Bank Ltd.,

3, Sansad Marg, New Delhi-110001.

APPEARANCES :

Shri J. K. Mehra for the Management

Shri A. N. Tewari, Asstt. Secretary of the First National Citi Bank Staff Association for the workmen.

AWARD

Central Government, Ministry of Labour vide Order No. L-12011/13/80-D.II.A dated 28-11-80 made reference of the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Citi Bank, N.A. New Delhi in modifying the terms and conditions for the purpose of grant of housing loan to employees of the Bank is justified. If not, to what relief are the workmen concerned entitled ?”

2. The First National Citi Bank Staff Association claimed that the Management agreed with the workmen to sanction loan equivalent to 25 per cent of the gross salary including all benefits and to charge 2 per cent interest on housing loans to its employees but that in 1977 it unilaterally and arbitrarily changed the formula of eligibility of Housing Loan from 25 per cent to 29 per cent by excluding Bonus ex-gratia payment, CDS amount, Provident Fund, Income Tax amount repayment of festival advance etc. at the time of calculating housing loan eligibility. They wanted that the orders of 1977 be quashed and the condition for granting housing loan should remain 25 per cent of the gross emoluments as before.

3. The Management of the Citi Bank contested the claim and asserted that the dispute referred to did not amount to an 'Industrial Dispute' and the Tribunal has no jurisdiction and that the claim made was not tenable as it does not arise under any Award, Settlement or Chapter V A of the I.D. Act or any schedule thereto.

4. Policy relating to granting housing loan the quantum thereof was said to be one within the discretion of the Management and no employee could compel the Management to grant a housing loan as a matter of right and changes could be made in the housing loan policy and its quantum as the situation required.

5. The matter was put up for evidence and it was at the stage of arguments but today Shri A. N. Tewari Asstt. Secretary of the Union of employees stated that the Management had already increased the eligibility to 30 per cent of emoluments recently and for this reason the employees did not want to proceed with the reference.

6. Shri J. K. Mehra for the Management stated that the Management adhered to its objections to the reference and did not admit liability to grant of housing loan or its quantum on any obligatory basis.

7. In view of the fact that the workmen have withdrawn the claim, there is no necessity to investigate either the claim or the objections of the Management to the tenability of the claim or its being an 'Industrial Dispute' and, therefore, a 'No Dispute' Award is made.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

July 31, 1985.

O. P. SINGLA, Presiding Officer
[No. L-12011/13/80-D.II(A)/D.IV(A)]

का. आ. 4070.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रीय सरकार, पराद प मन न्याय, पराद प के प्रबंधतात्त्व से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विट श्रीधोगिक विवाद में श्रीधोगिक अधिकरण, श्रीड़ मा के पंचायत की प्रकाशित करत है, जो केन्द्रीय सरकार को 5 अगस्त को प्राप्त हुआ था।

S.O. 4070.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, as shown in the Annexure in the industrial dispute between the employers in relation to the Paradip Port Trust and their workmen, which was received by the Central Government on the 5th August, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer, Industrial Tribunal, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 5 OF 1985 (Central)

Dated Bhubaneswar, the 25th July, 1985

BETWEEN

The Management of Paradip Port Trust, Paradip, First party.

AND

Their workmen —Second-party

APPEARANCES :

None—for the first-party

None—for the second-party.

AWARD

Dispute referred to by the Central Government for adjudication under Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-38012/1/84-D.IV(A) dated 27-4-1985 of the Ministry of Labour reads thus :

"Whether the action of the management of Paradip Port Trust, P.O. Paradip Dist. Cuttack in dismissing Sh. Sudhakar Mantry, Overseer (Mechanical) Stores Division of Electrical and Mechanical Deptt. with effect from 23-11-82 is justified. If not, to what relief the workman is entitled ?"

2. Today on 25-7-1985, both the parties remained absent and did not take any steps despite notice. I am, therefore, inclined to think that there is no dispute between the parties at present to be adjudicated by this Tribunal. Hence I pass this no-dispute Award.

K. C. RATH, Presiding Officer.
[No. L-38012/1/84-D.IV(A)]
K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 20 अगस्त, 1985

का.आ. 4071.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिटी बैंक, एन.ए., नई दिल्ली, के प्रबंधतात्त्व से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, नई दिल्ली के पंचायत की प्रकाशित करते हैं, जो केन्द्रीय सरकार की 7 अगस्त 1985 को प्राप्त हुआ था।

New Delhi, the 20th August, 1985

S.O. 4071.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the Citibank N.A., New Delhi, and their workmen, which was received by the Central Government on the 7th August, 1985.

BEFORE SHRI O.P. SINGLA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. NO. 17/80

In the matter of dispute between:

Workmen of Citibank N.A. represented by First National City Bank Staff Association, New Delhi.
Vs.

The Management, Citibank N.A. New Delhi.

APPEARANCES:

Shri J.K. Mehra for the Management.
Shri S.K. Bisaria Advocate for the workmen.

AWARD

Central Government, Ministry of Labour on 8-4-1980 vide Order No. L-12011/117/78-D. II. A made reference of the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Citi Bank N.A. New Delhi in not giving chance to Shri C. Dutta and Shri Ashok Kapoor to officiate in the posts of Special Assistant/Head Clerk and special Assistant Since January 1977 and January 1, 1978 respectively is justified. If not, to what relief are the workmen concerned entitled ?"

2. The workman's case is that the established practice and policy based on mutual understanding with the City bank Management was that in case of leave vacancy the senior most person of department was to get officiating allowance if the Special Assistant/Head Clerk of his/her department goes on leave but that policy and established practice was not followed and Mr. C. Dutta and Ashok Kapoor were not given the chance to officiate in the post of Special Assistant/Head Clerk and Special Assistant since January 77 and January, 1978 respectively. It is contended by the workmen that the preference shown in place of these workmen to Shri Ashok Bhasin and P.K. Khora by giving them chance to officiate as Special Assistants rather than Mr. C. Dutta and Mr. Ashok Kapoor was illegal and unjustified.

3. The Management of Citi Bank contested the claim and asserted that there was no settlement or established policy as alleged by the workman and that assignment of functions of an allowance carrying duty was a Management function and was not curbed or affected by any settlement or agreement to the contrary and that even in the Minutes of meeting no agreement or settlement was recorded and that no malafides are alleged against the Management and it is not a case of victimisation for any Trade Union activity and no promotion involved in the case and the approach of the bank was a reasonable one and the matter was decided as and when occasion arose in the interest of the bank and the customers and the decision was taken that the Branch Incharge took permission of S.B.O.O. sometime orally for making necessary arrangement of assigning Officiating duties.

4. The Management filed the affidavits of Shri Rajeshwar Kumar and Shri Sandeep Lal and the workmen filed the affidavit of Shri K.L. Malhotra and Rajeshwar Kumar and K.L. Malhotra have been cross-examined by the opposite party.

5. The issues settled in this case were:

- Whether the dispute referred qualifies to be Industrial Dispute?
- Whether the dispute has been properly espoused?

(iii) As in terms of reference.

6. First two issues were not pressed seriously and one witness whose affidavit was filed in respect of issue No. 2 had not been made available by the Management for cross-examination. The matter of espousal is decided against the Management and the claim is filed by the registered Association of the workmen of the bank.

7. The matter relates to an officiating chance in allowance carrying position. This relates to the conditions of service of the workmen whether it amounts to a promotion or not and there could be hardly any doubt that this raises an industrial Dispute.

8. I am of the clear opinion that the matter is covered by the Settlement between the parties which is recorded in the Minutes of the meeting with F.N.C.B. Staff Association Executive Committee on March 22, 1973 wherein Mr. L. S Noncari, G. M., Mr. J.N Menezes, PN and Mr. Viney Sawhney, As were present for the Management. Mr. K.L. Malhotra, Mr. B.D. Seth, Mr. N.K. Khera, Mr. P. Balasubramanian, Mr. S.C. Gupta, Mr. J.N. Nigam and Mr. C.P. Kapur were present for the workmen.

9. Para 15 of the Minutes required to be extracted and is as under:

"(15) OFFICIATING ALLOWANCE POSITIONS—CLERICAL AND OFFICIAL

Mr. Malhotra reiterated that the senior most person in the department should be paid officiating allowance as far as possible so that the employee concerned was able to benefit. He emphasized that the senior most employees in the same department should officiate in case the officer was on leave and he be paid the officiating allowance as per the Bipartite. Mr. Noncari stated that as far as the clerical positions were concerned it was his understanding that the same practice was being followed in New Delhi but in case of official positions the employee would become eligible for officiating allowance only if he strictly performed officiating functions. According to him no employee could automatically claim allowance for his officer who was on leave."

10. The Management clearly accepted that they could not agree to Officer position on officiating basis being given strictly on seniority basis but that in the case of clerical cadre the officiating allowance post was being given on basis of seniority alone as per practice at New Delhi.

11. The aforesaid position is also eminently reasonable. The Management may not be able to offer the Officer's post automatically to the senior most in the clerical cadre but there is no reason why ordinarily the seniormost person should not be given officiating chance whenever the senior most clerk in allowance carrying position is on leave or otherwise absent.

12. The workman alleged favouritism and pick and choose in deviation from the practice. Such things are difficult to prove but the deviation from the settled policy and practice admitted by the Management to be established at Delhi in the matter of Officiating promotion of clerical cadre is indefensible and the workmen ignored have not been shown to be incapable or inefficient in doing the work that was required to be done in the officiating allowance carrying position available.

13. I hold that the Management's alleged right to pick and choose anyone for allowance carrying position in leave vacancy or on short term in the clerical cadre is not acceptable and except for good reason the Management's own policy at Delhi had been even before 1973 to give the officiating chance of allowance carrying position to the senior most in the clerical cadre there. The deviation made against Mr. C. Dutt and Ashok Kapoor complained of by the workmen cannot be defended and the action of the Management is indefensible. The Management is required to compensate these persons for the loss of the officiating chance and is further directed to follow the policy of giving the allowance carrying position in the clerical cadre to the senior-most person when the Special Asstt./Head Clerk concerned goes on leave or is otherwise absent. The Manage-

ment shall pay Rs. 500/- as costs of these proceedings to the workmen.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

O.P. SINGLA, Presiding Officer
[No. L-12011/117/78-D. II (A)/D. IV (A)]

का आ. 4072—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, सिटी बैंक, एन.ए., नई दिल्ली, के प्रबंधन से सब्वद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डरिंग विवाद में केन्द्रीय सरकार ओर्डरिंग अधिकारण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7 अगस्त, 1985 को प्राप्त हुआ था।

S.O. 4072.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the Citi bank N.A., New Delhi, and their workmen which was received by the Central Government on the 7th August, 1985.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

NEW DELHI

I.D. No. 87/81

In the matter of dispute between :

Workmen through First National City Bank Staff Association, New Delhi.

Versus

The Management of Citi Bank N.A., New Delhi

APPEARANCES :

Shri S. K. Bisaria—for the workmen.

Shri J. K. Mehra Advocate—for the Management.

AWARD

Central Government, Ministry of Labour on 10-7-81 vide Order No L-12011/107/78-D.II.A made reference of the following dispute to this Tribunal for adjudication :

"Whether the management of the Citi Bank N.A. is justified in getting the work of collateral inspections done by an outside agency on contract basis depriving the workman staff of monetary benefits which they were receiving from the very beginning? If not, to what relief the workmen are entitled?"

2. The First National City Bank Staff Association, New Delhi filed statement of claim asserting that S/Shri K. L. Malhotra, V. P. Malik, T. R. Walia, Surinder Mohan and S. S. Nanda worked as Senior Special Assistants/Credit Investigators. They represented to the Association that the job of Collateral Inspection, which they had been doing earlier and for which they had been specially trained had been unilaterally transferred by the Management to an Outside Agency on Contract Basis. The Association's case is that this was the proper work of Sr. Special Assistant/Credit Investigators and they were being paid Rs. 75 per day as incidental charges over and above actual expenses incurred for such work when the Inspector was done in outside City. The Management in October, 77 changed its policy and shifted the work of scrutiny and verification of collateral securities to an outside Agency on contract basis illegally depriving Senior Special Assistants/Credit Investigators of the monetary benefits enjoyed by them earlier and putting undue burden on public money by shifting responsibility from Competent and trained personnel belonging to the Bank to incompetent and inexperienced outside agency in their own selfish interest. They requested that the Tribunal may direct the Management to withdraw the work of collateral

security from outside Agency and give it back to Sr. Special Assistants/Credit Investigators of the Bank as per previous practice of the Bank.

3. The Management Citi Bank contested the claim and asserted that the dispute had not been properly espoused by substantial number of workmen and that the dispute was without merit because it was not condition of service which had been changed and there was no legal right of the workmen which has been infringed. It was Management function to see how they could protect Banks interest and ensure that the securities offered by the debtors to secure the facilities were adequate. The Management contested the claim that there was financial loss to any workman it could not be that Rs. 75/- were being pocketed by them without incurring any expenses at outside Stations. The Management's case is that the Bank considered it advisable that instead of its own staff doing collateral inspection of the securities and the credit worthiness, etc. of its customers, the same should be got done by an independent professional agency for better and objective appreciation of the position with a view to obtain independent assessment of the market value of securities and the customers' credit worthiness apart from what the bank obtained from its own employees, a leading firm of Chartered Accountants in the country had been engaged to perform the function.

4. The following issues were settled in the case.

1. Whether the dispute is properly espoused?
2. Whether the dispute is an industrial dispute?
3. As in terms of reference.

5. The evidence led by the parties have been recorded and written arguments of the parties have been perused.

6. I am of the clear opinion that the claim made by the workmen is misconceived and it is the Management function to and that to check the creditworthiness of these to whom credit facilities are given and if the Management chooses to have an Independent Agency to examine the Collateral Security and creditworthiness of its customers, the workmen can lay no claim to contest the same. The Management's right to take an objective view of the customers credit worthiness by engaging professional Chartered Accountant Firm for the purpose cannot be objected to on any rational basis and simply because some workmen got some monetary benefit while being on tour for this purpose earlier dose not make the action of the Management illegal or improper. In any case the workmen had no right to object to the Management's exercise of its powers in the matter of assessment of the creditworthiness of the customers and the sufficiency or otherwise of the Collateral securities furnished by the customers. It is the subjective judgement of the Management as to which Agency will perform that function more efficiently whether its own workmen outside Agency and the Industrial Tribunal cannot force the Citi Bank and insist that that function should be done only by its own employees and not by an outside Agency. In the result, the action of the Management is held valid, which calls for no interference and is justified and the grievance of the workmen is fictitious and unfounded. Award is made accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

July 31, 1985.

O. P. SINGLA, Presiding Officer
[No. L-1201] 107/78-D. II(A)D.IV(A)
K. J. DYVA PRASAD, Desk Officer

महिला, 13 अगस्त, 1985

का. आ. 4073—श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) का शाग 17 के अनुसार संकेत्य भवकार आप एम. टोगर अपास, महिला निक प्रोजेक्ट के कर्मकार द्वारा शाग 33-ए के तहत एक विकायत पर विवाद में केंद्रीय भवकार श्रीदोगिक प्रधिकरण, चडीगढ़ के अनुबंध पंचाट को प्रकाशित करता है, जो केंद्रीय भवकार को 31 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 13th August, 1985

S.O. 4073.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure in respect of a complaint under section 33A of the said Act, filed by Shri M. S. Togger, a workman of Beas Sutlej Link Project, Sundernagar which was received by the Central Government on the 31st July, 1985.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL
CHANDIGARH

No. 19/84.
Complaint Under Section
33-A of the Industrial
Disputes Act 1947.

PARTIES:

Employers in relation to the Management of BBMB
General Manager BCB and BSL Project through
its Chairman.

AND

Their Workman: M. S. Togger.

APPEARANCES:

For the Employers: Shri Narinder Singh with Shri N. D. Kalra.

For the petitioner: Petitioner in person.
Industry: B. S. L. Project STATE H.P.

AWARD

Dated the 23rd of July, 1985

I am seized of a formal complaint under Section 33-A of the Industrial Disputes Act 1947 brought by the petitioner Workman against his Employers arrayed as respondents, mentioned above.

2. Brief facts of the case, according to the petitioner workman, are that he was serving as a Chargeman Special with token No. 1841-A under the Respondents in their Project at Sundernagar; that for quite some time he was actively engaged in Trade Union activities to the discomfiture of the Management who often indulged in unfair labour practice. Since the petitioner was a dedicated Union activist, who lost no opportunity in exposing their misdeeds and also pursued the cases of his co-workers before the various forums like Courts and Tribunals envisaged under Act, therefore, the management was unhappy with him and was always eager to steal an opportunity to cut him to size. It was complained that with a view to get rid of the petitioner, the Management served him with retrenchment notice time bound to expire on 15-1-1984, despite the fact that a large number of his juniors who had been served with similar notices in the year 1981, were being retained in service on withdrawal of the notices. He, therefore, prayed for appropriate relief including a direction to the Management to stay the implementation of the impugned retrenchment notice.

3. Resisting the proceedings on all counts, the Management refuted the charge of victimising the petitioner or any of his co-workers. Similarly, it was vehemently denied that they ever indulged in any unfair Labour practice or discriminatory treatment amongst the employees. Although, the maintainability of the proceedings was questioned on many legal technicalities, including the Tribunal's jurisdiction to adjudicate upon the dispute within the limited scope of Section 33-A of the Act ibid, yet the burden of their defence was that, the project itself was nearing completion and so they were retrenching the bulk of their employees as surplus. Elaborating their version, the management denied that any of the petitioner's junior was retained in service; they rather asserted that the principle of "Last come first go" was strictly adhered to and that the retrenched employees were paid all the terminal benefits.

4. In support of his case the petitioner examined himself whereas the management produced their X.E.N. Personnel Shri Narinder Singh as MW1 and Personnel Officer Shri B. M. Salwan MW2.

5. On a careful scrutiny of the entire material on record and hearing the parties, I am inclined to reject the complaint on the short and shrift ground that it has since been infructuous. To be precise, in his own deposition before the Tribunal the petitioner conceded that the process of retrenchment has since been completed and so much so that even his retrenchment compensation has also been paid. Similarly the statement of Shri Narinder Singh that all the surplus staff, including the petitioner, had been disengaged on 30.3.1984 was allowed to go unchallenged. As a matter of fact, the version projected by Sarvshri Narinder Singh and Salwan finds an echo of credibility in the petitioner's own cross-examination that the entire lot of workers pertaining to his Category have already been retrenched. To put it in plain words there was no discrimination in the matter of retrenchment which in its turn was necessitated by the completion of the Project.

6. In my considered opinion, against the aforesaid backdrop it will be nothing short of an exercise in futility to attribute any malice to the Respondent-management in disengaging the petitioner particularly when there was no stay or legal restraint on them at the relevant time. However, if the petitioner feels that the process of retrenchment was uncalled for or otherwise invalid on one or the other ground, he would be better advised to raise an Industrial Dispute and seek adjudication under Section 10 of the Act, but his effort to seek remedy under Section 33-A is misconceived.

7. Hence for the reasons recorded above, I reject the complaint and return my Award accordingly.

Chandigarh

23-7-1985.

I. P. VASISHTH, Presiding Officer.
[No. I-42025(9)85-D.1(B)]

नई दिल्ली, 19 अगस्त, 1985

का. 4074—श्रीरामिक विदाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुमति में केन्द्रीय भवकार बगलकोट उद्योग लिमिटेड, बगलकोट के प्रबंधताल से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीरामिक विदाद में श्रीरामिक अधिकारण, बंगलौर के पंचाट की प्रकाशित करते हैं, जो केन्द्र व लकार को 8 अगस्त, 1985 को प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4074.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bagalkote Udyog Limited, Bagalkot and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA
BANGALORE

Dated this the 29th day of July, 1985

PRESNT.

Sri R. Ramakrishna, B.A., B.L., Presiding Officer

Central Reference No. 16 of 1984

I PARTY

The General Secretary
Bagalkot Cement Co. Workers
Union, Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111,
Bijapur District

Vs.

II PARTY

(a) Sri M. M. Murnal, Contractor,
Venkat Peth, Bagalkot-587111,

Bijapur District

(b) The Managing Director,
Messrs. Bagalkot Udyog Ltd.,
AIR India Building, 14th
Floor, Nariman Point,
Bombay-1.

APPEARANCES:

For the I Party.—None present.

For the II Party (a).—Sri Ram Mohan Reddy, Advocate,
Bangalore.

For the II Party (b).—Sri R. Gururajan, Advocate,
Bangalore.

REFERENCE

(Government Order No. L-29011.91/83-D.III(B) dated
30-5-84)

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 shortly called Act, has referred the above said dispute to this Tribunal for adjudication as per the Schedule hereunder.—

SCHEDULE

Whether the discontinuous of the services of the 16 contract workers mentioned in the Annexure with effect from 16-3-1983 in the Bagalkot Lime Stone Quarry of Messrs Bagalkot Udyog Limited is legal and justified ? If not, to what relief are the workers concerned entitled ?

ANNEXURE

1. S|Shri Bhimappa Yamanappa Bankiya.
2. Huchappa Tammana Meti.
3. Nagappa Siddappa Bannidinni.
4. Muchkandappa Parappa.
5. Yellappa Yamanappa.
6. Mamadsab Rajesab
7. Mudakappa Nagappa.
8. Rafik Hazzanab Sawdakar.
9. Basappa Ramappa.
10. Hanumantha Yemunappa Bilgi.
11. Lalsab Mammadsab Kusadgi.
12. Hanumantha Chatrappa Dasar.
13. Fakirappa C. Algundi.
14. Jayathirtha Kulkarni.
15. Ramachandra Balakrishna Pawar.
16. Settappa Timmanna Bandiwaddar.

2. After receipt of the above reference, notices were issued to both the parties for their appearance and also for filing of their claim statements. Though the notice was served on the I Party Union but nobody appeared nor filed any claim statement. Hence the case was adjourned from time to time, and the I Party remained absent inspite of several adjournments given to them hence they have been placed ex parte on 15-2-85.

3. The II Party (a) filed his statement contending that the workmen of the Bagalkot Udyog Ltd., went on an illegal strike lasting for over a period of several days and the contract labour also joined their strike. Subsequently the Company terminated the contract granted in favour of this party. The persons mentioned in the Annexure have never reported for work till date. In view of the discontinuance of the contract, this party was not in a position to grant any work to these workmen. The workmen themselves left the work and are doing certain agricultural operations in the nearby villages. The I Party Union at whose instance the reference has been made has no support of an appreciable number of workmen of the II Party (b) hence there is no industrial dispute that existed between this party and the persons mentioned in the Annexure and as such the said workmen are not entitled for any relief. Therefore the reference made by the Government is without jurisdiction and requires to be rejected.

4. The II Party (b) filed their statement contending that they have taken on lease certain mines from the Government of Karnataka on payment of royalty. Sri Murnal was the contractor who engaged the services of the contract workmen mentioned in the reference in the manufacture of cement at its plant in Bagalkot. There was a strike by the workmen including the contract workmen in the year 1982 which lasted for several days affecting the production of the industry. The contract granted to Sri Murnal was terminated by the company. He has also informed that the workmen are not interested in the job. The workmen of Bagalkot Udyog Ltd., represented by the I Party had entered into a settlement in conciliation dated 11-5-82 wherein the workmen had given an undertaking agreeing not to raise any demand or dispute pertaining to the contractor. The II Party (b) have further submitted that the persons mentioned in the Annexure were neither employed at any time nor any appointment orders were issued by the company and there is no letter of termination issued by the company. The work of these workmen was supervised and guided by the contractor and hence there is no relationship of master and servant between these workmen and the company. Therefore there is no industrial dispute as defined under Section 2(k) of the Act. Most of the workmen are gainfully employed and are doing some agricultural operations in the nearby villages. The company is not a necessary party to these proceedings. The workmen are not in the service of the Company and as such they are not entitled for any relief. Hence they prayed that the reference made by the Government may be rejected as illegal and without jurisdiction.

5. Since the burden to prove the justification was placed on the II Party they have placed both oral and documentary evidence in support of their justification.

6. On behalf of the II-B Party their Personnel Manager gave the evidence contending that the workers shown in the Schedule were employed by a contractor who had sole control over them and the Company had not issued any appointment letters to these workmen. He has further deposed that the II-A Party was given development work on piece rate basis as per Exts. M-1 and M-2 and Exts. M-3 and M-4 are the job orders issued to him. He has further deposed that in the year 1982 the workers employed by II-A Party have not turned up for work and when the contractor has been asked he has given a letter as per Ext. M-5 to the effect that the workers have refused to resume work hence his contract was terminated by the Company as per Ext. M-6.

7. II-A Party gave the evidence that he was doing piece work by getting workers from Villages who went on strike and abandoned the work hence the Company has terminated his contract as per Ext. M-6. He has further deposed that he has settled his accounts and all his workmen are doing agricultural work in their places and they have not approached him subsequently to give them appointment.

8. By these oral and documentary evidence supported by pleadings of the II Parties that there was no privity of contract between the II-B Party with the workmen referred in the points of dispute and they have been engaged to do the work under II-A Party who were under his sole control for all practical purposes. The work orders issued to II-A Party as per Exts. M-3 and M-4 is with the result of tender accepted by him and the piece work also ended there was absolutely no control by the II-B Party, the method in which the said work will be done. II-A Party also stated that in view of the piece rate work he has engaged these workmen by paying coolly to them and this work is not a permanent and continuous one. He has no control over the workmen if they remained absent except the workmen lose their wages, if they remained absent and no service conditions were made applicable to them. In view of these admitted facts, I make the following award :—

AWARD

The Reference is rejected. The parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer,
[No. 29011(91)|82-D.II(B)]

का. अ. 4075.—मार्गीनिक विवाद अधियाय, 1947 (1947 का 14) का वारा 17 के अनुसार मैं, केन्द्रीय सरकार बंगलकाट उच्च नियमित, बंगलकाट के प्रबंधतां से संबंध नियोजकों द्वारा उनके कर्मकारों के बच अनुबंध में नियमित मार्गीनिक विवाद में आर्यानिक अधिकारण, बंगलोर के पचाट का प्रकाशन करते हैं, जो केन्द्रीय सरकार को 6 अगस्त, 1985 का प्राप्त हुआ था।

S.O. 4075.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bagalkot Udyog Limited, Bagalkot and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 29th day of July, 1985

PRESENT :

Sri R. Ramakrishna, B.A., B.L., Presiding Officer
Central Reference No. 9 of 1984

I Party
The President,
Bagalkot Cement Company
Workers' Union, Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111.

-VS-

II Party
The General Manager,
Bagalkot Udyog Limited,
Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111.

APPEARANCES

For the I Party—None present.

For the II Party—Sri R. Gurufajan, Advocate,
Bangalore.

REFERENCE

(Government Order No. L-29011(70)|83-D.II(B)
dated 2-5-1984).

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, shortly called Act, has referred the above noted dispute to this Tribunal for adjudication as per the Schedule mentioned below :—

SCHEDULE

Whether the management of Messrs Bagalkot Udyog Limited, are justified in transferring Sri Chandrappa Alugudi, Compressor Attendant, Bagalkot Cement Factory, to Limestone Quarry of the Company as Stone Breaker. If not, to what relief is the workman concerned entitled ?

2. Consequent to this reference, the notices are issued to both the parties. Though notice was served on the I Party Union but nobody appeared before this Tribunal. Hence the case was adjourned from time to time for filling of claim statement by the I Party. Inspite of several adjournments the I Party has failed to file its claim statement. Hence they have been placed ex parte on 15-2-85.

3. The II Party filed their claim statement contending that Sri Chandrappa Alugudi was employed by the II Party Company and was working in the quarry as a compressor attendant. According to the existing practice in the II Party Sri Chandrappa Alugudi was transferred from factory to Lime Stone Quarry. At no time the workmen have complained regarding the transfer. The transfers are effected with a view to achieve the production and also according to exigencies of work. Consequent upon the transfer, there

is no reduction in the emoluments or there are no adverse service conditions or there will be no change in service conditions applicable to the workman who is transferred from one section of the Mines to other section. Moreover, the Government of India constituted an Arbitrator to adjudicate the industrial dispute of the workmen of Cement industry, which after elaborate discussions, passed an Award under Section 10A and the same is published. Therefore according to this award transfer is permissible from one department to other including quarry. Hence the II Party submitted that they are fully justified in transferring the I Party workman concerned and requested to pass an award in favour of management.

4. Since the II Party-management have been directed to justify the action taken by them under the points of reference, the II Party have examined the Personnel Manager as MW-1 and documents are marked from Exts. M-1 to M-3. He has stated in his evidence that this Company consisted of two divisions viz., Factory and a Quarry. The workman Chandrappa was working at Quarry during 1982 in the designation of Compressor and prior to that he was working in the designation of Breaker as per Ext. M-1 and from Breaker his designation was changed as compressor. He has further deposed that Ext. M-2 is a transfer order and his transfer is from one department to another in the quarry section and when this transfer was made his salary and service conditions are protected and he has not been made any representation protesting his transfer. He has further deposed that as per the Cement Wage Board Award Ext. M-3 transfers from one department to another department under clause (g) is permitted, the Union has also not made any resolution protesting against this transfer.

5. Ext. M-1 an office Memo dated 29-6-81 discloses that this workman was being re-designated as compressor attendant from the designation of breaker and Ext. M-2 is a Memo of transfer as breaker dated 19-5-83 with immediate effect. Ext. M-3 is the Cement Wage Board Award dated 19-5-83 under clause (g) there is a provision that workmen are interchangeable from one department to another including quarry.

6. The oral and documentary evidence placed by the II Party does show that the transfer and re-designation made to this workman by the II Party is not mala fide and there is no material that this transfer has affected the service conditions and salary which was drawn by the above workman before his transfer. The matter of transfer from one department to another department is the incident of employment for purposes of exigencies of work and unless any mala fides are shown the transfer from one department to another department is legally justified. Since the II Party have justified the action taken by them, I make the following award :—

AWARD

The reference is rejected and in the circumstances of the case parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer
[No. L-29011(70)|83-D. III(B)]

का. आ. 4076—श्रीधोगिक विवाद प्रधिनियम, 1947 (1447 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार बंगर करोमाउट मार्डोप्राइम मीर्मर्स और सा. माइनिंग कार्पोरेशन लिमिटेड के प्रबंधनक्र में शंख नियोजकों और उनके कर्मकारों के व च मनुदं ये नियिष्ट श्रीधोगिक विवाद में श्रीधोगिक प्रधिकरण, भूवनेश्वर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 6 अगस्त, 1985 को प्राप्त हुआ था।

S.O. 4076.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bangur Chromite Mines of Messrs. Orissa Mining Corporation Limited, and their workmen, which was received by the Central Government on the 6th August, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer.
Industrial Dispute Case No. 4 of 1985 (Central)
Dated, Bhubaneswar, the 30th July, 1985

BETWEEN

The employers in relation to the
management of Bangur Chromite
Mines of M/s. O.M.C. Limited.

First-party

AND

Their workmen

Second-party.

APPEARANCES :

Shri K. S. Sahoo,
Senior Administrative Officer,
Orissa Mining Corporation,
Bhubaneswar

For the first-party

Shri P. C. Ghadei,
President,
Boula Chromite Mine
Workers' Union.

For the second-party.

AWARD

Dispute referred to by the Central Government for adjudication under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-29011(45)84-D.III(B) dated 21-3-1985 of the Ministry of Labour reads this :—

"Whether the action of the management of Orissa Mining Corporation Limited, Bhubaneswar, in terminating the services of the undermentioned daily-rated female mazdoor of their Bangur Chromite Mines, Keonjhar, with effect from 20-7-84 was justified ? If not, to what relief are the workmen concerned entitled ?"

NAMES OF WORKMEN

1. Smt. Parbati Muduli
2. Smt. Tara Muduli
3. Smt. Rukuma Moharana
4. Ku. Bharati Patra
5. Ku. Uma Bentakar
6. Smt. Tulasi Ho
7. Smt. Srimati Naik
8. Ku. Sanju Bentakar
9. Ku. Bhama Patra
10. Smt. Golapi Tanti
11. Smt. Buli Naik
12. Smt. Mohani Naik
13. Ku. Saraswati Naik
14. Smt. Sara Naik
15. Smt. Brahmani Patra
16. Smt. Salma Majhi
17. Smt. Menja Ho
18. Smt. Ambi Naik
19. Smt. Rai Naik
20. Smt. Pata Naik
21. Smt. Pramila Naik."

2. It is not in dispute and is admitted by both the parties that the daily-rated female mazdoors numbering 20 were in the employment of Bangur Chromite Mines, Keonjhar for ore washing from November 1981 till 20-7-1984 when their services were terminated after giving them full benefits as provided under Section 25-F of the Industrial Disputes Act on the ground that their employment was considered to be very uneconomical. The second-party workmen challenges the order terminating their services as illegal as it was done without the prior permission of the Government, particularly when the total number of workers working in the mines was near about 500. It is further stated that the ground on which the services of the second-party workman were terminated is not at all acceptable in view of the fact that what was being paid to them towards their wages was the minimum at the rate of Rs. 9.75 per day per worker as per the Notification of the Government of India, Ministry of Labour.

3. The first-party employer reiterates the same thing in its written-statement that the services of the second-party

workmen were terminated as then further employment was considered to be very uneconomical. It is further stated that the permission of the Central Government was not required as the total number of workers working in the mines for ore washing was not more than 20.

4. One witness was examined for the first-party employer and one for the second-party workmen, the witness examined for the first-party employer is its Mines Manager and on a reading of his evidence it appears that after the termination of the services of the second-party workmen on the ground that their further employment in ore washing was very uneconomical, a contractor was engaged and the said contractor engaged the second-party workmen for the washing of ore. Further it appears from his evidence that while the second-party workmen were directly working under the first-party, they were being paid the minimum wage at the rate of Rs. 9.75 per day per head as prescribed by the Government. It also appears from his evidence that the second-party workmen are getting the minimum wage at the rate of Rs. 9.75 per day per head as prescribed by the Government from the contractor under whom they are working after the retrenchment of their services. If the contractor is paying the wages at the rate at which the first-party was also paying, it is not understood how the further employment of the second-party workman was considered by the first-party employer to be very uneconomical. In the absence of any plausible explanation substantiating the termination order, it cannot be sustained.

5. One more ground is also taken by the second-party workman that the impugned order is bad in law as it contravened the provisions laid down in Chap. V-B of the Industrial Disputes Act, 1947 because there were more than 300 workers working in the mines belonging to the first-party. In paragraph 2 of the written-statement it is stated that about 300 workers were working in the mines. In evidence nothing is stated as to how many workers were working in the mines. Simply it is stated that about 200 workers were working under the contractor Sudarsan Mohapatra and about 700 workers were working under the departmental contractor including the first-party. Such being the evidence and the assertion of the witness examined for the first-party being that the total number of workers working in the mines was not more than 50, I am of the view that the legal point raised is of no consequence at all. But in view of my findings in the earlier paragraph the impugned order cannot be sustained as it is not justified.

6. In the result, the action of the management of Orissa Mining Corporation Limited, Bhubaneswar, in terminating the services of Smt. Parbati Maduli, Smt. Tara Maduli, Smt. Rukuma Moharana, Kr. Bharti Patra, Ku. Uma Bentakar, Smt. Tulasi Ho, Smt. Srimati Naik Ku. Sanju Bentakar, Ku. Bhama Patra Smt. Golapi Tanti Smt. N. Buli Naik, Smt. Mohbani Naik, Ku. Saraswati Naik, Smt. Sara Naik, Smt. Brahmani Patra, Smt. Salma Majhi, Smt. Menja Ho, Smt. Angbi Naik, Smt. Rai Naik, Smt. Pata Naik and Smt. Pramila Naik with effect from 20-7-1984 was not justified. The Mazdoor be reinstated in service. Since they are working under the contractor eversince the termination of their services the question of payment of back wages to them needs no consideration.

7. The Award is passed accordingly.

30-7-84

K.C. RATHI, Presiding Officer
[No. L-29011 (45)]/84-D. III (B)]

का. आ 4077—श्रीधारिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय मण्डाक विवर अन्तर्जातिक एवं अन्तर्वर्ती विवाद अधिनियम (एलन कम्पनीजनम) गुरु (प्र. प्र.) के प्रबंधतात्व में गंवंद लियोजकों द्वारा उनके कर्मकारों के बच अनुबंध में निविष्ट श्रीधारिक विवाद में केन्द्रीय मण्डाक श्रीधारिक अधिकरण के प्रकार की प्रकारण करने हैं जो केन्द्रीय मण्डाक को 5 अगस्त 1985 को प्राप्त हुआ था।

S.O. 4077.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation

to the management of Divisional Engineer (Telecommunications), Guntur (A.P.) and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE THIRU K.E. VARADHAN, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS.

(Constituted by the Central Government)

Wednesday, the 24th day of July, 1985

INDUSTRIAL DISPUTE NO. 84 OF 1984

(In the matter of the dispute for adjudication under section 10 (1) (d) of the Industrial Disputes Act, 1947 between the workman and the Management of Divisional Engineer (Telecommunications), Guntur (A.P.).

BETWEEN

Thiru B. Syamprasad, C/o. Gade Simachalam Advocate President, INTUC, District Branch, Guntur-522004 (A.P.)

AND

The Divisional Engineer (Telecommunications), Guntur (A.P.)

REFERENCE:

Order No. L-40012(6)/84-D. II(B), Ministry of Labour & Rehabilitation, Department of Labour, dated 31-10-1984, Government of India, New Delhi.

The dispute coming on for final hearing on Monday, the 15th day of July, 1985 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru Gade Simachalam, Advocate appearing for the workman and of Thiru P.B. Krishnamurthy, Central Government Pleader appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:—

AWARD

This reference by the Central Government under Section 10 (1) (d) of the Industrial Disputes Act, 1947 seeks an adjudication on the issue as to "Whether Divisional Engineer (Telecommunications), Guntur is justified in dismissing Shri B. Syam Prasad, daily rated Mazdoor with effect from 26-6-1983 by means of an oral order? If not, to what relief is the employee entitled to?"

(2) Responding to the notice, the employee Thiru B. Syam Prasad, and the employer Divisional Engineer (Telecommunications) have filed their pleadings before this Tribunal. In his claim statement, the employee has averred that he joined the services of the employer on 1-4-1978 as a Mazdoor under the supervision of Junior Engineer (Phones), out-door, Chilakaluripet on the daily wages of Rs. 5/- and that on being satisfied with his work he was made permanent and absorbed in the department during September, 1978 on an increased daily wages of Rs. 6.80 per day as later increased to Rs. 11.05 per day. He further alleged that after he had completed more than one year of continuous service and had consequently become eligible for the protection under the Industrial Disputes Act, 1947, the employer, in contravention of the provisions thereof, illegally terminated his services by an oral order on 26-3-1983, without subjecting him to any disciplinary proceeding and without even issuing one month notice or paying him retrenchment compensation. Characterising such termination of his services as illegal, void and inoperative as being contrary to the provisions of the Industrial Disputes Act, the employee has sought for the relief of his reinstatement in service, with continuity of service and back wages from the date of termination to the date of reinstatement as also costs of this proceeding. The employer has filed a counter-statement objecting to the jurisdiction of this Tribunal to adjudicate on the dispute, on the ground that the establishment of the employer is not an 'industry' and that the employee is not a 'workman' as defined in the Industrial Disputes Act, 1947. Strictly construed the employer has been maintaining telecommunication system and network as an integral part of the sovereign functions of the State rendering the reference non-main-

tainable. The employee was only a casual Mazdoor and was given work as and when work was available. His claim to have been absorbed in the telecommunication department was false. He was only given a certificate by the Sub-Divisional Officer to have worked as a Mazdoor. He was never paid monthly salary as he was employed as a casual Mazdoor on daily rated wages only. While working as a casual Mazdoor under the Line Man Thiru Shaik Vali Narasaraopet on 23-8-1983 the employee was caught red-handed in the act of cutting a 200 6-1/2 lbs. dead cable in the new Telephone Exchange premises with a view to commit theft thereof. The junior Engineer whose attention was drawn to the incident, directed the removal of the delinquent-employee from the muster roll and also reported the matter to the higher authorities who had approved the said action. After the date of the incident the employee was stopped away from work and hence the question of respecting his seniority did not arise. On such averments the employer has prayed for the dismissal of reference.

(3) In the course of the enquiry that followed, the parties were content with producing certain documents detailed hereunder and did not adduce any oral evidence. Besides producing the work record note book (Ex. W-1) which contains the entries regarding the dates (commencing from 1-5-1978), on which the employee had worked in the establishment of the employer, as duly attested by the Sub-Divisional Officer, Narasaraopet, the employee has also produced a letter Ex. W-2, dated 20-1-1984 addressed by the Assistant Labour Commissioner (Central), Vijayawada to the Secretary to the Government of India, Ministry of Labour, recommending reference of the dispute to the Tribunal, the certificate Ex. W-3 dated 23-2-1983 issued by the employer to the employee mentioning the fact of the employee having worked as a Mazdoor for about 18 days between 1-4-1978 and 30-4-1978, the memorandum Ex. W-4 dated 4-9-1978 issued by the Office of the sub-Divisional Officer, Telecommunications, Narasaraopet, recording the fact that the employee Thiru Syam Prasad besides four others, had been absorbed as casual Mazdoors and that the Sub-Inspectors and Linemen In-charge of working parties should engage these Mazdoors only in their working party (a copy of this memorandum had also been forwarded to the Employment Officer, Employment Exchange, Guntur, evidently to put him notice of the non-availability of the employee for further recommendation) the proceedings Ex. W-5 dated 3-11-1981 of the Sub-Divisional Officer, Telecommunications, Chilakkaluripet recording the fact that the employee Thiru Syam Prasad had completed 3 years of service and 720 days as on 4-9-1981 and certifying that the said Mazdoor was thereafter eligible for increased daily wages of Rs. 9.30 per day with weekly offs with effect from 5-9-1981 and the circular Ex. W-6 dated 7-12-1984 of the office of the Divisional Engineer, Telecom., Guntur detailing the programme to conduct entrance test for the selection of Lineman for Guntur, Telecom Division on 10-2-1985 and specifying the eligibility therefor as the completion of a minimum of 365 days as a casual Mazdoor as on 31-3-1984 in Construction/Maintenance parties whether over head lines and wires and in cables and the incidental requirements.

(4) On the other hand, the employer Divisional Engineer has produced the report Ex. M-1 dated 23-3-1983 from Thiru G. Kottiah, S.G.C.S. to the Junior Engineer mentioning the attempted theft by the employee Thiru Syam Prasad of 200 6-1/2 lbs. dead cable in the new Telephone Exchange premises, Narasaraopet, the communication Ex. M-2 dated 24-3-1983 addressed by the Junior Engineer to Sub-Divisional Officer, Telecommunications informing about the incident of attempted theft by the employee as communicated to him under Ex. M-1, the explanation of the employee denying the theft and alleging permission in that regard granted by Thiru Kottiah, the denial thereof by the latter who was available in the office and his directions to the Lineman Thiru Shaik Vali in whose muster roll the employee was then working, to delete the name of the employee from the muster roll immediately and requesting further necessary action by the Divisional Engineer, the letter Ex. M-3 dated 24-3-1983 by the Telephone Inspector Thiru E. Rattiah to the Junior Engineer about the incident of attempted theft by the employee, the communication Ex. M-4 dated 8-4-1983 from the Sub-Divisional Officer, Telecommunications, Narasaraopet to the Divisional Engineer, Telecommunications.

Guntur intimating the stoppage from work of the employee Thiru B. Syam Prasad on the ground of his attempted theft of wire on 23-3-1983, the notice Ex. M-5 dated 22-8-1983 from the employee to the Sub-Divisional Officer, Telecommunications, Narasaraopet denying the incident of theft attributed to him and demanding reinstatement in service, the copy of Ex. M-6 of the letter dated 5-9-1983 from the employee to the Assistant Labour Commissioner (Central), Vijayawada requesting conciliation proceedings on the dispute raised by him and Ex. M-7, the counter statement dated 18-1-1984 submitted by the employer Divisional Engineer before the Conciliation Officer reiterating the validity of the termination of the service of the employee and disputing the maintainability of the conciliation sought for by the employee. This close the contents of the documents produced herein and arising for consideration.

(5) On the submissions made before me the following material points arise for determination.

(a) Whether the employer Telephone or Telecommunications Department of the Government is an 'industry' as defined in Section 2(j) of the Industrial Disputes Act;

(b) whether the employee Thiru B. Syam Prasad admittedly a casual labourer is a 'workman' as defined in Section 2 (s) of the Industrial Disputes Act;

(c) whether the termination of the services of the employee under the circumstances claimed by the employer would amount to retrenchment as defined under Section 2(0); and

(d) whether the said retrenchment if any is illegal and void for non-compliance with the provisions of Section 25(F) of the Act entitling the employee to the consequential relief of reinstatement in service with back wages all through.

6. POINTS (a) and (b): The discussion on these two points, involving the determination of the legal status of the employer Department as an 'industry' and that of the employee as a 'workman', both defined in the Act under Section 2 (j) and 2 (s) respectively, could be taken up together and a finding recorded in favour of such status, as has been held by a Division Bench of the Calcutta High Court in the decision Tappan Kumar Jana vs. Calcutta Telephones and others reported in 1981-II-L.L.J. 382. The said decision dealt with the identical if not similar facts arising in this dispute between the Calcutta Telephones and a casual labourer. Their Lordships, who rendered the decision, have, if I may say so with due respect, exhaustively discussed the different provisions of the Act in the light of various other decisions of the High Courts and the Supreme Court, before concluding in favour of the telephone or telecommunication department of the Government being an 'industry' and the status of a casual labourer being a 'workman' as defined in the Act. Respectfully adopting the said reasons, I find under these points, that the employer Divisional Engineer (Telecommunications) is an industry and that the employee Thiru B. Syam Prasad though a casual labourer is a workman as defined in the Act.

7. POINTS (c) and (d).—The fact that the services of the employee Thiru B. Syam Prasad had been brought to an end or terminated, by an oral order, directing the removal of his name from the muster roll after the alleged incident of theft by him on 23-3-1983 at the Telephone Exchange, Narasaraopet, is not in dispute. It is not the case of the employer that any enquiry was initiated on the foot of any charge sheet against the employee before his services were dispensed with. Indeed the employer has chosen to sustain such removal of the employee from the muster rolls on the sole ground that the provisions of the Industrial Disputes Act are not applicable to the dispute raised or claim made by the employee, as the employer Telecommunication Department is not an industry and the employee, a casual labourer is not a workman as defined in the Act. If therefore the applicability of the provisions of the Act is upheld, as has been done while discussing supra, the points (a) and (b), the conclusion is irresistible, that the termination of the services of the employee in the circumstances, ordered by the employer cannot be sustained and maintained under any of provisions of the Industrial Disputes Act. Though in the Calcutta decision referred to above, their Lordships were dealing with a case of the termination of services of an employee by the employer on the ground that the particular work for which he was employed, had been completed and that there was

no further work to be continued by availing the services of the employee, yet the general principles adumbrated in the said decision, would in my considered opinion, apply on all fours, to the facts of the instant case, wherein the termination has been brought about, without initiating any disciplinary proceedings against the employee on the alleged incident of attempted theft of wire, which had been denied by the employee, warranting an enquiry. On the undisputed facts available, there could be no difficulty in concluding, that the termination of the services of the employee would clearly amount to retrenchment as defined in Section 2(oo) of the Act, as it does not fall under any of the exceptions mentioned therein. In the absence of even a plea by the employer, about the compliance with the provisions of Section 25 (F) of the Act, it must be concluded, that the above said retrenchment is bad in law, and cannot be sustained, entitling the employee to the relief of reinstatement in service, from the date of illegal termination of the services with back wages all through until reinstatement.

(8) In this connection, I am constrained to point out, that the actual date of termination of the services of the employee as borne out by the records was 23-3-1983. (Please see the report Ex. M-2 of the Junior Engineer who claimed to have directed the removal of the employee from the muster rolls after inspection on the date of the incident, namely 23-3-1983) and not either 26-3-1983 as claimed by the employer or 26-6-1983 as mentioned in the reference, both of which clearly represent inadvertent mistakes. For the foregoing reasons I find under Point (c) that the employee was in effect retrenched from services on 23-3-1983 and under Point (d) that the said retrenchment was bad in law and unsustainable for non-compliance with Section 25 (F) of the Act entitling the employee to the relief of reinstatement in service without break from 23-3-1983 with full back wages all through until actual reinstatement.

(9) In the result, an award is passed holding that the termination of the services of the employee Thiru B. Syam Prasad on and from 23-3-1983 is illegal and unsustainable and directing his reinstatement in service from that date together with back wages therefrom until reinstatement pursuant to this award. His claim to promotion on the basis of such continued service shall also be considered by the employer Department subject of course to the relevant rules and regulations governing such promotions. The employee is also awarded costs of these proceedings. Pleader's fee Rs. 100/- Award is passed accordingly.

Dated, this 24th day of July, 1985.

Sd/- (Illegible)
Industrial Tribunal

WITNESSES EXAMINED

For workman—None.

For Management—None.

EXHIBITS MARKED

For workman :

- W-1—Service particulars of the workman Thiru B. Syam Prasad, (book).
- W-2/20-1-84—F.O.C. report submitted to the Asstt Labour Commissioner Central, Vijayawada.
- W-3/23-2-83—Certificate issued by the Divisional Engineer (Telecom) to the worker.
- W-4/4-9-78—Letter of Divisional Officer (Telecom) Narasaraopet to the workman.
- W-5/3-11-81—Letter from Sub-Divisional Officer (Telecom) regarding fixation of scale.
- W-6/7-12-84—Circular of Divisional Engineer (Telecom) Guntur calling application for the post of Lineman.

For Management:

- M-1/23-3-83—Statement given by Sri G. Kotaiah in Telugu.
- M-2/24-3-83—Report from the Junior Engineer Narasaraopet.
- M-3/24-3-83—Report of V. Rattiah. Telephone Inspector.

M-4/8-4-83—Order of the Sub-Divisional Officer (Telecom), Narasaraopet.

M-5/22-8-83—Copy of letter from B. Syam Prasad (workman) to the S.D.O. (Sub-Divisional Officer), Telecom, Narasaraopet.

M-6/5-9-83—Letter from the workman to the Assistant Labour Commissioner (Central), Vijayawada

M-7/18-1-84—Copy of counter statement filed by the Management before the Assistant Commissioner, Vijayawada.

K.E. VARADHAN, Industrial Tribunal
[No. I-40012 (6)84-D. II (B)]

नई दिल्ली, 20 अगस्त, 1985

का आ. 4078—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में बैन्डीय सरकार नवान रेलवे और ड्राइवी बैंक मिक्नीकल हॉस्पिटल में श. डॉल्स आमदार, लखनऊ के प्रबंधनत में सम्बद्ध नियोजकों और उनके कमिकारों के बीच अनुबंध में तिरिक्षा ओर्डरिंग विवाद में केंद्रीय सरकार ओर्डरिंग अधिकारण, कानपुर के पंचाट का प्रकाशित करते हैं, जो फैन्डीय सरकार को प्राप्त हुआ था।

New Delhi, the 20th August, 1985

S.O. 4078.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and Deputy Chief Mechanical Engineer C & W Alambagh, Lucknow and their workmen, which was received by the Central Government on the 2nd August, 1985.

BEFORE SHRI R B SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

Industrial Dispute No. 49/83

In the matter of dispute

BETWEEN

Shri Rameshwar Prasad Shukla

Workman

AND

The Management of Northern Railway, Deputy Chief Mechanical Engineer, C & W Alambagh, Lucknow

APPEARANCES:

Shri B. D. Tewari, Zonal Working President, URKU, 96/196 Roshan Lal Bajaj Lane, Ganesh Gani, Lucknow.

Shri H. Qureshi, for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. I-41012(7)/82.D-II(B) dt. 6th December, 1982 has referred the following dispute for adjudication:

Whether the action of the railway administration in relation to their Locomotive Workshop, Northern Railway, Charbagh, Lucknow in removing Shri Rameshwar Prasad Shukla, Khalasi T. No. BSS/446, from service vide order dated 2-12-77, is justified? If not, to what relief the said workman is entitled?

2. The case of the workman is that he was a Khalasi under the management in the Black Smith Shop, Locomotive Workshop, Charbagh, Lucknow, (N.R.) and was appointed as such from 17-11-1947. The workman while on duty met an accident on 5-9-69, and was hospitalised in Railway Hospital upto 1-4-70 and was on hurt on duty sick report "for pitty long time" thereafter. Due to this accident workman's right leg became short by 2-1/2" consequently the DMO Lucknow, recommended light duty for the workman. The management did not give him any light duty as a result there was permanent swelling in his right

leg due to which the workman had to go on sick report for and often much after from 1976-77 as no sick memo was issued by the management. The workman had to go under the treatment of Private Medical Practitioner whose certificate when being submitted by him to the workshop administration in support of his medical leave with his application. On application of 10 days leave the workman proceeded to his house and on reaching there he found that his wife had stroke of paralysis consequently he submitted extension for leave from 16-4-76 to 24-4-76, on the ground of his wife's illness supported by medical certificate. Thereafter, he himself became ill and submitted medical certificate for leave for 24-4-76 to 30-9-76, under certificate of posting. Again he submitted medical certificate on 1-10-76 to 21-10-76. Meanwhile he came to Lucknow on 15-10-76, to resume his duties. He was sent Railway hospital. The railway medical officer admitted him as indoor patient and verified him only on 8-11-76. On submitting fitness certificate he resumed duty on 12-11-76. A charge sheet was delivered to him on 15-11-76 and an enquiry was held by Shri Ram Jiawan Ram Senior Welfare Inspector. In his enquiry report, he opined that sickness of the workman as well as his wife was genuine but he failed to give timely information to the administration. The enquiry officer held that absence from duty from 15-10-76 to 12-11-76 only was authorised, meaning thereby that absence from 9-4-76 to 14-10-76 was unauthorised. The workman was consequently removed from service by Assistant Works Manager, Northern Railway, Lucknow, on 2-12-77. The workman submitted an appeal against his removal which was rejected. In his appeal he had taken ground firstly that he was not removed by competent authority, that his absence was on the ground of medical which was certified by medical certificate that the enquiry officer's findings of unauthorised absence from 8-4-76 to 11-10-76 was without foundation, that the Asstt. Works Manager who gave the punishment treated whose period as unauthorised absence from duty and it was also taken as ground that the removal order was not a speaking order hence was liable to be set aside. Despite all this the appeal was rejected.

3. That the workman thereafter, raised an industrial dispute through the conciliation and prayed for reinstatement with full back wages.

4. The management has contested the claim on the grounds that the workman was removed from service by Works Manager (finish him) locomotive Charbagh, Lucknow and not by Asstt. Manager finish him of the said workshop at Lucknow. It is admitted that the workman met an accident and was given compensation on the recommendation of the Deputy Mechanical Officer it is admitted that the workman was granted leave from 6-4-76 to 8-4-76 being Holiday and thereafter the workman being remained unauthorised absence w.e.f. 10-4-76 and did not sent any application for leave, consequently he was issued a charge sheet for unauthorised absence on 24-9-76. After issue of Charge sheet the workman appeared with an application on the ground of his wife's illness and his own illness and private medical certificates and fitness certificates which were filed by the workman on 9-11-76. According to the management prior to 9-11-76, no application for leave with certificate or thorough office was received in the office consequently charge sheet was issued and inquiry held and he was provided with all reasonable facilities to defend his case as a result of recommendation of the enquiry officer he was removed from service by orders of the Works Manager on 2-12-77. The appeal filed to Deputy Chief Mechanical Engineer (Works) Charbagh, Lucknow was also dismissed after giving him personal hearing. Even the applicants review application given to the General Manager was rejected after due consideration.

5. On the point whether the workman was removed from service by an officer lower in rank that the officer who appointed him. There is no dispute that the workman was recruited in the year 1947 by the then Works Manager. According to the management witness Works Manager was Head of the Department of the workshop at that time. The management in its written statement has stated that the workman was removed from service by Works Manager (F) locomotive shop Charbagh Lucknow and not by Assistant Manager. The management witness has denied that

equivalent of Works Manager of that time is Deputy Chief Mechanical Engineer rather he has deposed that the present Works Manager is equivalent to the post of Works Manager of 1945, because both the posts are of senior scale. The management witness further denied that it would be wrong to say that equivalent to the post of this Works Manager of 1945 is at present Production Engineer. He further denied that present Works Manager finished him and not Assistant Manager Works finished the workman.

6. The workman has not given any evidence to show that he has been removed by an officer lower in rank that the person who appointed. I therefore, decide this point believing the management witness and hold that the removal of the workman had not been done by an officer lower in rank than an officer who appointed the workman.

7. It has been argued that the entire loco workshop in the year 1947 was in the charge of Works Manager Loco, but now, i.e., at the time of the termination of the workman, the whole sole incharge of the loco workshop is D.C.M.E., hence he should have been passed the termination order. The criteria of incharge of workshop is the matter of termination of an employee is unfounded in law and what is legally required is that the person terminating the services should not be lower in rank than the person who appointed, of the workman. Rank is judged from the status and scale of pay and not on account of being sole incharge. I, therefore, decide this point against the workman.

8. Now coming to the finding of the enquiry officer, the enquiry officer in his report held that absence during the period 9-4-76 to 14-10-76 was unauthorised, though on the basis of evidence on record he came to the conclusion that Rameshwar Parsad as well as his wife were sick during period alleged, but the workman failed to submit timely intimation of his sickness as well as sickness of his wife to the administration as required under rules.

9. The Enquiry report is dated 14-10-76. The removal order is dated 2-12-77 has been filed by the management and it is signed by Shri S. C. Gupta Works Manager. It reads as follows:

I have carefully considered your representation dated 30-9-77 in reply to the memorandum of show cause notice L/58E/BSS-446/76, dated 2-7-77. I do not find your representation to be satisfactory due to the following reasons:

His defence reply is far from the facts—He is removed from service—I therefore, hold you guilty of the charge (s) viz for unauthorised absence from 10-4-76 to 10-11-76—levelled against you and you have decided to impose upon you the penalty of removal from service. You are therefore, removed from service with immediate effect from 2-12-77 AN

Under rule 18 of the Railway Servants (Discipline and Appeal Rule 1968 an appeal against these orders lies to D.C.M.E.(W),CB|LKO provided:

- the appeal is submitted through proper channel within 45 days from the date you received the orders and;
- The appeal does not contain improper or dis-respectful language.

Please acknowledge the receipt of this letter.

10. It may be mentioned here that the charges of unauthorised absence was from 9-4-76 to 14-10-76 and not upto 10-11-76.

11. The representative for the workman has drawn my attention to the circular of the Northern Railway Head Quarter office Baroda House New Delhi Sl. No. 5027. In that copy of railway board's letter no 68/72/L dated 22-5-70 was incorporated as under :

In partial modification of the provisions contained in para 1472 of the chapter XIV of the Indian Railway Establishment Manual (revised Addition), the board have decided that medical certificates from Registered Private practitioner produced by Railway Employee in support of their applications for leave, should be rejected by the competent authority only after a railway medical officer has conducted the

necessary verification and on the basis of the advice tendered by him after such verifications. The Board have further decided that in cases where penalties have been imposed consequent on the rejection of certificates from private medical practitioners in the past the Railway administration should reconsider such cases if represented by the recognised Labour Unions. The revised procedure will, in the first instance be in force for a period of one year and will come into effect immediately. The Board desire to be furnished with a report on the working of the revised procedure by 30th Jan., 1971 positively.

12. In the instant case according to the management no certificate of the private medical practitioner sent under certificate of posting was received by the management. However, the management has not excluded the period from the unauthorised leave for which the railway medical officer has given a certificate which is from 15-10-76 to 7-11-76 and ultimately fitness certificate. Atleast this period should have not been counted in his unauthorised leave, further when on enquiry the enquiry officer came to the conclusion from the evidence before him that the applicant and his wife were really ill during that period the management should have taken a lenient view and the minimum punishment could have been given such as depriving him of pay for that period and not his removal from service. The Appellate authority also did not re-consider this aspect of the case. The Enquiry Officer in his findings has observed that it was correct that the workman had submitted medical certificate from Private Medical Practitioner on 24-7-76, as is evident from his application dated 9-11-76.

13. Thus according to the Enquiry Officer, the workman was responsible for non submission of timely intimation about his sickness under a private doctor for a period 23-4-76 to 14-10-76. Despite that in the last line of the findings, the enquiry officer found him guilty of charges of unauthorised absence from 9-4-76 to 14-10-76.

14. It has been argued by the counsel for the workman that the punishing authorities order is not a speaking order. The same is paper No. 6 fixed by the management. It simply shows that the representation against the proposed punishment being not found satisfactory and his defence reply being far from the facts. He is removed from service. He has been consequently held guilty for the charge for unauthorised leave from 10-4-75 to 10-11-76 and order for his removal in the show cause notice which is paper No. 8 only charge No. 1 has shown to be proved and he has been found guilty not of the charge for unauthorised absence from duty but guilty of the charges. Further the enquiry officer had found him guilty for the period 9-4-76 to 14-10-76, and not for the period 15-10-76 to 10-11-76 as mentioned in the punishment order. Thus the punishment is not for the period shown to have been proved by the Enquiry Officer on the basis of his enquiry.

15. In the case of Badrul Huda Ahmad Vs. State of Assam, (Assam & Nagaland H.C.) 1972 S. I. R. page 62, wherein it was held :

that the disciplinary authority failed to apply its mind to the report of enquiry and order of the enquiry officer of removal passed the disciplinary authority was quashed

It was further held in the said case in para 7 :

In the second show cause notice there is nothing about the charge No. 3, nor there is any reference to dropping of it by the enquiry officer. On the other hand the disciplinary authority held that the charges against the petitioner were found proved, in other words, all the charges were found proved.

16. It is also apparent on the face of the removal order that the disciplinary authority found all the charges framed against the petitioner as proved. But as observed earlier charge No. (iii) dropped by the enquiry officer in his report without any authority and it is not understood. The disciplinary authority could hold that all the charges drawn against the petitioner had been proved. If the disciplinary authority found it proper to punish for unauthorised absence from 15-10-76 to 10-11-76, he should have given reasons also for

the same and observed why he disbelieved the medical certificate given by his Deputy Medical Officer Northern Railway. In case of Shri T. S. Srivastava Vs. State of Assam 1972, I&S page 682, wherein it was observed :

In this case, although the enquiring officer has more or less and substantially absolved the petitioner from the charges specifically levelled against him. The disciplinary authority, in fact, disagreeing with these findings and without recording the reasons for the disagreement held him guilty of the four charges leaving out the fifth charge altogether. The impugned order again gives a different picture detailing three findings.

It was held that the impugned order of withholding the three increments of the petitioner, therefore, clearly violates the provisions of rule 9 and even violates the rules of natural justice and has to be struck down.

17. The order holding the workman on unauthorised leave during period 15-10-76 to 10-11-76 without giving any reason is unjust and against the principle of natural justice and is liable to be struck down.

18. In the case of B. K. Talwar Vs. State of Haryana 1971 LAB IC page 201, it was held :

Punishment stopping increment—no reason for decision-order is illegal and liable to be quashed.

19. In the punishing authorities order of punishment paper No. 6 filed by the management, the only reason given that the defence reply is so far from the facts punishment has not to be given on defence reply but on the positive prove given by the management witness. The reason should have been given for non reliance on Divisional Medical Officer of Railway's report for the period 15-10-76 to 10-11-76. Further atleast some reasons should have been given why punishment is being given on the basis of the report of the enquiry officer, or the management witness providing the facts of the unauthorised absence. It was held therein :

There is substance in the contention of the learned counsel for the petitioner and this petition must succeed. From the plain reading of the orders of the Director and respondent No. 1 it is clear that no reasons whatsoever have been given for arriving at the decision against the petitioner and the impugned orders are scurvy and nabulous. In the present case it was incumbent on the respondents to give reasons while arriving at a decision against the petitioner as they were exercising quasi judicial functions and in not doing so they have acted illegally. The decision of the Supreme Court in Bharat Rail Vs. Union of India A.I.R. 1967 SC. 1606 is fully applicable to the facts of the present case.

20. In the case of Vijai Singh V. State of Haryana 1972 LAB IC page 713, wherein it was held :

It has now been authoritatively settled by their Lordship of the Supreme Court in Bachchitar Singh Vs. State of Punjab AIR 1963 395, and in Union of India V. H. C. Goel A.I.R. 1964 SC that both the stages of enquiry against a delinquent government official are equally judicial and therefore, any action decided to be taken against the govt. servant found guilty of misconduct is to be taken in a quasi judicial manner. That being so, the punishing authority was bound to support his order dismissing the petitioner with reasons.

21. In view of the law and facts discussed above, I hold that the order of the punishing authority for removal of the workmen without given reasons and in the absence of proof of unauthorised absence from 15-10-76 to 10-11-76 is unjust and illegal.

22. The result is that the workman's removal order is liable to be quashed. I accordingly hold that the action of the management Railway in relation to their locomotive workshop, NR Charbagh Lucknow, in removing Shri Rameshwar Prasad Shukla, Khalasi T. No. BSS/446 from service vide order dt. 2-12-77 is illegal and is not justified as well as unfair.

23. The result is that the workman will be reinstated in service with full back wages.

24. Let requisite number of this award be sent to the government for publication.

Dated 30-7-1985.

R. B. SRIVASTAVA, Presiding Officer
[No. I-41012(7)/82-D-II(B)]
HARI SINGH, Desk Officer

मई विल्सो, 14 अगस्त, 1985

का. आ. 4079—कमंचारों राज्य के मा अधिनियम, 1948 (1948 का 34) के धारा 1 के उपधारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एन्डव्हारा 16 अगस्त, 1985 को उस तारीख के रूप में नियत करता है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले हो प्रवृत्त की जा चुक है) और अध्याय 5 और 6 [धारा 76 के उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले हो प्रवृत्त की जा चुक है] के उपर्युक्त प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“पश्चिम गोदावरी जिले के कोवूर मंडल में कोवूर तथा आराकिरेलु के राजस्व ग्रामों के अन्तर्गत आने वाले क्षेत्र।”

[संघा एम-38013/12/85-एस. एस-1]

New Delhi, the 14th August, 1985

S.O. 4079.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th August, 1985 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely:—

“The areas within the revenue villages of Kovvur and Arikrevula in the Kovvur Mandal of West Godavari District.”

[No. S-38013/12/85-SS-1]

का. आ. 4080—कमंचारों राज्य के मा अधिनियम, 1948 (1948 का 34) के धारा 1 के उपधारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एन्डव्हारा 16 अगस्त, 1985 को उस तारीख के रूप में नियत करता है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले हो प्रवृत्त की जा चुक है) और अध्याय 5 और 6 [धारा 76 के उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले हो प्रवृत्त की जा चुक है] के उपर्युक्त प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“कृष्णा जिले के हन्तार्ह मण्डलम मण्डल के कोणारपाल्ली गाजस्व ग्राम का क्षेत्र।”

[संघा एम-38013/17/85-एस. एस-1]

ए. के. भट्टराई, अवर सचिव

S.O. 4080.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th August, 1985 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh, namely:—

“The area of Kondapally revenue village of Ibrahimpatnam Mandal in Krishna District.”

[No. S-38013/17/85-SS-1]
A. K. BHATTARAI, Under Secy.

नई विल्सो, 16 अगस्त, 1985

का. आ. 4081—अध्रक खान श्रम कल्याण नियम, 1948 के नियम 3 के माथ पठित अध्रक खान श्रम कल्याण नियम, 1946 (1946 का 22) की धारा 4 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, श्रम मंदालय की अधिसूचना संभवा का, का. 2198, तारीख 15 अगस्त, 1981 का अधिक्रमण करते हुए केन्द्रीय सरकार बिहार राज्य की सलाहकार समिति का पुनर्गठन करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:—

1. राज्य श्रम मंत्री बिहार, सरकार, —अध्यक्ष पट्टना।
2. कल्याण आयुक्त, श्रम कल्याण संगठन, डाकघर-समर्पितसंस्था, जिला-हजारीबाग, करमा, बिहार।
3. केन्द्रीय श्रमायुक्त (केन्द्रीय), धनबाद, बिहार।
4. श्री राजेन्द्र नाथ दा, सरस्वत, विधान सभा, कोडरमा, बिहार।
5. श्री सदानंद प्रसाद भगवानी, बिहार राज्य के अध्रक खान श्रमिकों प्रेजिडेंट, इंडियन माइक्रोसोफ्ट करते वाले सदस्य एण्ड हीलसें एसोसिएशन, शमरीतलैया, हजारीबाग।
6. श्री उमेश चन्द्र अद्वाल, सेकेटरी, कोडरमा माइक्रोसोफ्ट-सिएशन, हजारीबाग।
7. श्री हरीश चन्द्र मिश्र, जनरल सेकेटरी, माइक्रोसोफ्ट, शमरीतलैया, हजारीबाग।
8. श्री भूवनेश्वर सिंह, प्रेजिडेंट, हवस्ट्रीयल (माइक्रो) वर्कर्स एसोसिएशन कोडरमा, शमरीतलैया, हजारीबाग।
9. श्री मती उर्मिला देवी, भूतपूर्व सदस्य, विधान सभा, गिरिबाई, बिहार।
10. कल्याण प्रशासक, करमा बिहार। —सचिव

2. उक्त नियमों के नियम 19 के अन्तर्गत केन्द्रीय सरकार उक्त सलाहकार समिति का मुख्यालय करमा, शमरीतलैया, जिला—हजारीबाग बिहार निश्चित करती है।

[सं. ध. 19012/10/84-बड़य-III]
आर. डी. मिश्र, अवर सचिव

New Delhi, the 16th August, 1985

S.O. 4081.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946), read with rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, and in super session of the Notification of the Govt. of India in the Ministry of Labour S.O. No. 2198 dated 15th August, 1981 the Central Government hereby reconstitutes the Advisory Committee for the State of Bihar with the following members, namely:—

1. State Labour Minister, Govt. of Bihar, Patna —Chairman

2. Welfare Commissioner, Labour Welfare Organisation, P.O. Jhumritelaiya, Distt. Hazaribagh Karma, Bihar. — Vice-Chairman (Ex-officio)

3. Regional Labour Commissioner (Central), Dhanbad, Bihar. — Member.

4. Shri Rajinder Nath Da, Member of Legislative Assembly, Kodarma, Bihar. — Member.

5. Shri Sadanand Prasad Bhandani, — Members representing President, India Mica Mines and Dealers Association, Jhumritelaiya, Hazaribagh. Owners of Bihar State.

6. Shri Umesh Chander Aggarwal, — do — Secretary, Kodarma Mica Mining Association, Hazaribagh.

7. Shri Harish Chander Mishra, — Members representing General Secretary, Mica Mazdoor Sangha Mica Miners Union, (I.N.T.U.C.) Jhumritelaiya, Workers of Bihar State.

8. Shri Bhubaneswar Singh, President, — do — Industrial (Mica) Workers Association, Kodarma, Jhumritelaiya, Hazaribagh.

9. Smt. Urmila Devi, Ex-Member of Legislative Assembly, Giridih, Bihar. — Women Representative.

10. Welfare Administrator, Karma, Bihar. Secretary.

2. Under rule 19 of the said rule, the Central Government hereby fixes Karma, Jhumritelaiya, District Hazaribagh, Bihar to be the headquarter of the said Advisory Committee.

[No. U-10012/10/84-W. II]
R.D. MISHRA, Under Secy.

नई दिल्ली, 16 अगस्त, 1985

का. आ. 4082:—औद्योगिक विद्याव अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा आहरन एवं रटील क. लि. की सिजुआ कॉलियरी के प्रबंधतान से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुशंश में निर्विष्ट औद्योगिक विद्याव में केन्द्रीय सरकार औद्योगिक अधिकारण, नं. 2 धनबाद के पंचाट को प्रकाशित करते हैं, जो केन्द्रीय सरकार की 7-8-1985 को प्राप्त हुआ था।

New Delhi, the 16th August, 1985

S.O. 4082.—In pursuance of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sijua Colliery of Messrs Tata Iron & Steel Company Ltd., and their workmen, which was received by the Central Government on the 7th August, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

REFERENCE NO. 88 OF 1984

In the matter of Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Sijua Colliery of Messrs. Tata Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 31st July, 1985.

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012(349)/84-D. III(A), dated the 13th December, 1984.

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union that the defendant of Shri Mathura Muchi Haulage Engine Khalasi of Sijua Colliery of Messrs. Tata Iron and steel Company Limited, who claims to have been disabled permanently for service, should be given employment in the Colliery in terms of para 9.4.3 of the National Coal Wage Agreement-II, is justified? If so, to what relief the defendant of Shri Mathura Muchi is entitled?”

The case of the workmen is that the concerned workman Shri Mathura Muchi was appointed as permanent Haulage Engine Khalasi on 16-11-61 and since then he had rendered continuous service till 1-10-83 when his services were terminated by the management. The Medical Board of the Company had declared him unfit for the job permanently resulting in the loss of his employment. The services of the concerned workman was terminated in pursuance of the assessment of the Medical Board. The said disablement arose from the disease of permanent nature resulting into loss of employment and the same was certified by the Doctor of the Company. The services of the concerned workman were terminated without paying any retrenchment compensation. The concerned workman represented before the management for providing employment to his dependant son Shri Gouri Muchi but no employment was given to him. Thereafter the union of the concerned workman raised an industrial dispute before the A.I.C. (C), Dhanbad but the conciliation proceeding ended in failure and thereafter the present reference was made. The action of the management in not providing employment to the dependant son of the concerned workman was against the provisions of NCWA-II and III. The demand of the workman for the employment of the dependant of the concerned workman is legal and justified. It is submitted that the management should be directed to provide employment to the dependant of the concerned workman from the date of the termination of his services with full back wages and consequential benefits.

The case of the management is that the Bihar Colliery Kamgar Union which has raised the present dispute does not exist in collieries of the management and it has no representative character of the workmen. The management has comprehensive scheme for employment of the dependant of the employees and the same has been depicted in consultation with the recognised union namely R.C.M.S. The said scheme is in existence for several years under which the dependants of all categories of employees having put in

minimum of 15 years of service are entitled to be enrolled for employment and was taken in the employment depending upon the need and according to the seniority of the employees concerned. The scheme also includes the procedure for out-right employment of certain cases as set forth in the scheme itself. After coming into force of NCWA-II the provisions for employment of dependent provided there in were considered by the recognised union (RCMS) of the mining colliery. It was observed that by implementing NCWA-II certain categories of workmen would get benefit of their dependents to be employed out-right and certain other categories of employees will not get chance for their dependents to be employed. The dependents of the employees to be employed under NCWA-II would have blocked the future of the dependant of most of the employees of Company. It was not possible for the management to provide employment to the dependant of the employees under Company's scheme as well as under NCWA-II and III. Under the Company's scheme an employee completing 30 years or more service gets his dependant employed out-right on his superannuation and an employee who complete 40 years of service gets his second dependant out-right. The RCMS union was apprised of all the procedures of employment of dependants prevalent in the Company after coming into force of NCWA-II. The union found that the management's scheme for giving employment to the dependant of the employees were more favourable than the provision of NCWA-II and it accepted the management's scheme in preference to NCWA-II. The provisions of para 9.4.3 of NCWA-III is same as contained in para 10.4.1 of NCWA-II. The management is following its own scheme in preference in NCWA-II and NCWA-III as the management's scheme is more advantageous to the workman as a whole. The concerned workman Mathura Muchi became medically unfit to continue further in his original job and as such the management had no alternative but to terminate his services on 1-10-83 on account of his continued ill health and incapacity to perform his original job. Mathura Muchi had put in 21 year of service and his dependant's name was enrolled for employment as per the scheme of the management. The said dependant of Mathura Muchi can be employed when his term will come. The dependant of the concerned workman is not entitled out-right employment according to the management's scheme as well as under NCWA-III.

The point to be considered in this case is whether the dependant son of Shri Mathura Muchi is entitled to be employed by the management in terms of para 9.4.3 of NCWA-III.

The workman examined one witness namely Shri Mathura Muchi who is the concerned workman himself and the management examined four witnesses. Besides that the workman has exhibited one document which is marked as Ext W-1 and the management have exhibited documents which are marked Ext. M-1 to M-14.

Admittedly, the services of the concerned workman Shri Mathura Muchi was terminated by the management after he had put in about 21 years of service on the ground of medical unfitness. Workmen are claiming employment of the dependant son of the said concerned workman under para 9.4.3 of NCWA-III. Para 9.4.3 of NCWA-III provides for employment to one dependant of a worker who is permanently disabled in his place arising from injury or disease of permanent nature resulting to loss of employment and it should be certified by the Coal Company concerned. The case of the management is that there was already a scheme for giving employment to the dependant of the employers since before the NCWA-II and NCWA-III which was more beneficial to the workmen than the benefits which were allowed in NCWA-II and NCWA-III and that the representative union of the workmen had preferred to be governed by the Company's scheme of giving employment to the dependant of the workman and did not accept the scheme provided under NCWA-II and III. It is also stated by the management that in accordance with the scheme of the management applicable in the case of the concerned workman, the name of his dependant Gouri Muchi was enrolled in the register of the management for giving employment.

It will appear from Ext. M-1 that Mathura Muchi by his petition dated 19-8-83 had requested the management to provide him with alternative job at the surface so that he may be able to earn his bread. WW-1 has stated that inspite of the said petition he was not given any work on the surface and thereafter he claimed employment of his son from the date of his stoppage of work. Ext. M-2 dated 13-2-84 is a letter by the Chief Personnel Manager to the concerned workman. This letter was sent by the Chief Personnel Manager to Mathura Muchi with reference to the application of the workman dated 30-12-83 requesting for employment of his son on the strength of his service. The management has stated that the concerned workman was discharged from the Company's service on medical ground after putting in 21 years 10 months of service and as such the name of his son Shri Gouri Muchi has already been enrolled in E.D. Register maintained at Sijua Colliery and that his son will have to await his turn along with other in order of seniority till such time job becomes available at Sijua Colliery. It appears that the name of the son of the concerned workman was registered for employment under para 2.1 of management's scheme for employment of dependants of the employees of the Company. The scheme is marked Ext. M-8 in this case. Para 2.1 provides that an employee becomes eligible to enroil the name of his dependant on completion of 15 years of service. There is no provision in the said scheme for giving out-right employment to the dependant employee who is medically retired before putting in 25 years of service. Thus it appears that the management has complied the provisions of its scheme in para 2.1 of Ext. M-8 in registering the name of the dependant son of Mathura Muchi.

The question is whether the concerned workman can avail of the advantages provided in para 9.4.3 of NCWA-III for giving out-right employment to his dependant son. Ext. M-5 is a minutes of union management meeting with the Vice Chairman on 27-3-80 which was sent vide Ext. M-6 to the Joint General Secretary, RCMS by the General Manager of Collieries of management. On perusal of Ext. M-5 it will appear that there was a discussion regarding the implementation of the benefit under NCWA-II with regard to the employment to the dependant and medical facilities. The Vice Chairman of the management told the representative with regard to the employment of dependants that it was upto the union to choose whether they wanted the present benefits given by the Company or the provisions of NCWA-II. He further advised the union to keep in mind the fact that certain provisions of NCWA-II would give the benefit of employment to the person who have only put in a few years of service which in effect will deprive old and quite senior employees to get employment as the vacancies which occurred will be filled in by those who have already been taken in. The Vice Chairman further stated that certain procedures and practices for employment had been evolved to give benefit of the same to the old senior employees in consultation with the union and now if the union wanted to opt for the provision of NCWA-II in this regard they were free to do so. Mr. S. Dasgupta on behalf of the union informed that the union representative would discuss the issue among themselves and communicate their proposal to the management. Thereafter Shri S. Dasgupta Joint General Secretary of R.C.M.S sent his letter Ext-M-9 dated 7-2-81 to General Manager (Collieries) Tisco regarding the implementation of NCWA-II. It will appear from this letter that the provision of clause 10.4.1 of NCWA-II regarding employment to their dependants in the case of death or disablement due to accident has been implemented in full by the management. It further shows that in a meeting of the Secretaries of all the branches of Tisco collieries of RCMS decided unanimously that the existing employment rules of the Company were more favourable and to continue to be enforced. It appears therefore that the representative union decided to opt for the Company's scheme in preference to para 10.4.1 of NCWA-II which provisions has been carried in para 9.4.3 of NCWA-III. Ext. M-7 is the minutes of the special union management meeting held on 18-3-81. In para 10 it is stated that the union was informed that Mr. Dasgupta has already indicated in writing that existing procedure of the Company were more beneficial than the provision laid down

in NCWA-II and hence he wanted that the existing procedure of the Company should continue to be enforced. Ext. M-4 dated 11-4-81 is a minutes of the union management meeting at the Dy. Managing Directors level. It will show that since the union had agreed that the Company's procedure are more beneficial to employees in respect of employment of the dependants, it will not be advisable to remove the qualifying period. It is clear, therefore that the representative union of the management had agreed that the Company's scheme regarding employment will continue and that they did not agree to the acceptance of para 10.4.1 of NCWA-II equivalent to para 9.4.3 of NCWA-III.

It has been submitted on behalf of the workman that the Bihar Colliery Kamgar Union which has raised the present industrial dispute was not a party to the acceptance of the Company's scheme in preference to NCWA-III and as such the agreement cannot bind the workman of Bihar Colliery Kamgar Union. In my opinion the said view does not appear to be correct. The said agreement arrived at between the representative union of the management would not be invalid despite the lack of consent of the workmen who are members of an union other than the recognised union. The agreement has been arrived at by the representative union which has the right to represent all the workmen and would also imply the consent of the members of the other union. This is the legal consequence of the right of the representative union to represent all the workmen and binding effect on its action. As such the agreement arrived at by the representative union RCMS is binding on the workmen who are representing the concerned workman.

I have not referred to the individual oral evidence of the witnesses as this case has to be decided on the document available on the record and on consideration of the documents it is clear that the workmen of the Colliery of the management have agreed to accept the scheme of the management in preference to the scheme in NCWA-III in respect of the matter in issue.

In view of the discussions made above I hold that the demand of Bihar Colliery Kamgar Union that the defendant of Shri Mathura Muchi who claims to have been disabled permanently for surface should be given employment in the colliery in terms of para 9.4.3 of NCWA-III is not justified and as such the concerned workman is not entitled to any relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(349)/84-D.III(A)]
A. V. S. SARMA, Desk Officer

नई दिल्ली, 16 अगस्त, 1985

का. आ. 4083.—ओर्डोरिंग विवाद अधिकार, 1947 (1947 का 14) की आरा 17 के अनुसरण में केंद्रीय सरकार, ईस्ट भुगतान वर्क्सोर्स, कुस्टोर लेन में से बी सी सी एल डाक कुट्टोर, जिला धनबाद के प्रबंधनत के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्विष्ट ओर्डोरिंग विवाद में केंद्रीय सरकार ओर्डोरिंग अधिकारण, के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 6-8-85 को प्राप्त हुआ था।

New Delhi, the 16th August, 1985

S.O. 4083.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Post Office Jagjiwan Nagar, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of East Bhuggatdi Workshop, Kustore Area of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No. 25 of 1984

In the matter of Industrial Disputes under Section 10(1)(d) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of East Bhuggatdi Workshop, Kustore Area of M/s. Bharat Coking Coal Limited, P.O. Kustore Dist. Dhanbad and their workmen.

APPEARANCES:

On behalf of the workmen: Shri Lalit Burman, Vice-President, United Coal Workers' Union.

On behalf of the employers: Shri G. Prasad, Advocate.

STATE: Bihar.

INDUSTRY: Workshop.

Dated, Dhanbad, the 31st July, 1985

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(3)/84-D.IV(B) dated, the 30th June, 1984:

SCHEDULE

"Whether the action of the management of East Bhuggatdi Workshop, Kustore Area, M/s. BCCL, PO Kustore Dhanbad in changing the staggered rest days of the workman mentioned in the Annexure below to Sunday with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act is justified? If not, to what relief are the said workman entitled?"

ANNEXURE

Sl. No.	Name	Designation
1.	Shri Jadu Prasad	Welder
2.	Shri Budhu Yadav	Weldar Mazdoor
3.	Shri Doman Gope	Black Smith
4.	Shri Kesho Rawani	Drill Man
5.	Shri Jainul Mia	Machinist.
6.	Shri Ushmau Mian	Latho Man.
7.	Shri Naresh Bhagat	Electrician.
8.	Shri Bindeshwar Choudhary	Armature Wnder.
9.	Shri Lal Shahab Singh	Armature Winder Helper
10.	Shri Dharmbir Singh	Filter.
11.	Shri Nand Kishore Rabindra	Hammer Man.
12.	Shri Jhalla Jiashwara	Tyndal.
13.	Shri Mohan Mistry	Black Smith.
14.	Shri Haru Dusadh	Fitter.
15.	Shri Ram Keshwar Ram	Fitter.
16.	Shri Faij Ahmad	Fitter.
17.	Shri Ramau Mahato	Genl. Mazdoor.
18.	Shri Ramdeo Lohar	Hammer Man.
19.	Mooti Rabidash	Tyndal.
20.	Rawan Bouri	Tyndal.
21.	Shri Bindeshwar Rabikul	Tyndal.
22.	Shri S.K. Mukherjee	Foreman.
23.	Shri R. Jendran Ram	Machinist Helper.
24.	Shri Jogendra Singh	Tyndal Jamadar.

The case of the workman is that the concerned 24 workmen are employed in the East Bhuggatdi Workshop of East Bhuggatdi Colliery since the time of the erstwhile management. They were working on Sundays every week since before the take over and nationalisation in 1972 and were enjoying weekly day of rest on different days of the week as shown in annexure I attached to their W.S. They were getting the benefit of extra wages for working on Sundays i.e. 7 days wages for six days work in a week. The said practice which was in vogue for 12 years became one of the condition of service of the concerned workman. Without giving any

notice the management changed the aforesaid practice and changed the system of staggered weekly rest days in respect of the concerned workman to Sunday with effect from 11-9-83 and stopped payment of the extra wages to the workmen. The management did not issue any notice under Section 9A of the I.D. Act nor discussed the change with the union before effecting the change in the weekly rest days. The said change was arbitrary and adversely affected the concerned workmen. The workmen protested against the action of the management but complied with the illegal order of the management under protest. The action of the management is wrong and illegal. The concerned workmen are entitled to get the benefit of 7 days wages for 6 days work which they have been getting prior to the change.

The case of the management is that all the concerned workmen were not appointed on the same date but they were appointed on different dates. They had neither been allowed nor were observing or availing the staggered weekly day of rest. The staggering day of rest is observed in a factory or in a mine where manufacturing process or raising of mineral is carried out around the clock on all the days of the year such as work in blast furnace, coal blasting furnace, Coke Oven plant etc. wherein all the workmen cannot be allowed to have weekly day of rest on one and the same day. No such work is carried out in the colliery workshop which is a part and parcel of the mine and the concerned workmen have never been allowed staggering day of rest. It is a common practice in all the coal mines including Bhuggatidh Colliery to allow weekly days of rest on Sundays. In the recent past the coal mines were kept open on Sundays as well and the workmen were allowed rest as per law. The workshop is situated within the premises and precinct of East Bhuggatidh Colliery and all its workmen are being allowed weekly days of rest on Sundays. The management has not changed the staggered day of rest to Sunday. It is not a condition of service of any person employed in a colliery workshop that they shall be allowed weekly of rest on staggered day. The weekly day of rest is not covered by any of the items enumerated in the 4th schedule of the I.D. Act and as such Section 9A of the I.D. Act is not applicable. It is advantageous to the concerned workmen to have weekly day of rest on Sundays so that they may do their marking and other business on Sundays. Whenever the workmen were called to work in the workshop on Sunday they were given weekly day of rest on the remaining 6 other days of the week and it did not become a condition of their employment. Section 9A of the I.D. Act is attracted if the proposal to effect a change is likely to adversely affect the condition of service of the workmen and no notice is required if it does not affect a workman. The demand of the workmen for weekly day of rest for staggered day is not justified.

The only question for determination in this case is whether the changing of staggered rest days of the concerned workmen to Sunday with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act is justified.

The management examined one witness but he was not cross-examined on behalf of the workmen.

The workmen have alleged that the management of East Bhuggatidh workshop changed the conditions of their services with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act in as much as the staggered rest of holiday being enjoyed by them was changed to Sunday in respect of all the concerned workmen. It is further stated that the management changed the service condition by changing the staggered rest days to Sunday and they were paid wages for 6 days only. It will appear from the schedule of the order of reference that the concerned workmen were getting staggered rest days and that the same was changed to Sunday with effect from 11-9-83 and as such the only question to be decided is whether the said change could be effected without giving notice under Section 9A of the I.D. Act. A dispute of this nature was decided in a case reported in SCLJ Vol. 9 page 124 (M/s. Tisco. Ltd. Vrs. Their workmen.). The said decision gives answer to both the objections raised on behalf of the management. In the said case the management had decided to stagger the weekly rest days in the collieries and by notice a new schedule of rest days was introduced in accordance with which the colliery was to give every Wednesday as rest day in one of the collieries and Thursday is respect of other colliery. Previously Sunday

was the weekly rest days in collieries. The change in the weekly days of rest was to take effect from Sunday September 15, 1963. The workers of the colliery did not turn up for work on Sunday September, 15 as a result the management refused to give them any work on Wednesday which was declared to be a weekly day of rest. It was held by their Lordships that if a holiday is changed from Sunday to some other week day it would not affect material gain or financial benefit available to the workmen because the workmen would on the less get one day off with pay in a week but the financial benefit cannot be the sole criterion in considering this question and it must not be ignored in this connection that due to long usage and other factors Sunday as a holiday may for conceivable reasons have assumed importance for workmen. Their Lordship further held that in order to effectively achieve the object underlying Section 9A of the I.D. Act it would be more appropriate to place on the 4th schedule read with Section 9A a construction liberal enough to include change of weekly rest days from Sunday to some other week day. Their Lordships held that the management having effected a change in the weekly days of rest without complying with the Section 9A of the I.D. Act read with 4th schedule this change must be held to be ineffective and the previous schedule of weekly days of rest must be held to be still operative. The facts in the present case are almost similar except that in the reported case the weekly rest was changed from Sundays to other week days whereas in the present case weekly day of rest from some other days of the week were changed to Sunday. But the principle underlined both the decision is the same. The concerned workmen no doubt will not be economically affected by the change in the weekly day of rest from any other day of the week to Sunday. It appears that due to long usage the staggering holidays which were being enjoyed by the concerned workmen had assumed importance for them and as such it was appropriate that the management should have given notice under Section 9A of the I.D. Act read with 4th schedule to the concerned workmen before changing their weekly days of rest. The concerned workmen however have accepted Sunday as a weekly day of rest under protest and I think the change of the weekly day of rest of the concerned workmen from different days of the week to Sunday must be held to be ineffective as the said change has been effected without complying with Section 9A of the I.D. Act and the previous schedule of weekly days of rest on the different days to the concerned workmen as stated in the annexure to their W.S. must be held to be still operative.

In view of the discussions made above I hold that the action of the management of East Bhuggatidh Workshop Kustore Area of M/s. B.C.C. Ltd. in changing the staggered rest days of the concerned workmen to Sunday with effect from 11-9-83 without giving notice Section 9A of the I.D. Act is not justified. As no financial question is involved the concerned workmen are not entitled to any other relief except that they will have the staggered rest days as mentioned in the annexure of the W.S. of the concerned workmen.

This is my Award.

I.N. SINHA, Presiding Officer
[No. L-24012 (3)|84-D. IV (B)]

नई दिल्ली, 19 अगस्त, 1985

का. आ. 4084:—जीवोंगिक विकास अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सैप्टेंबर माह लानिंग एंड इंजिनियरिंग लि., गोडावाना लिस, फांके रोड, रांची उक्त अधिनियम की धारा 33 के अन्तर्गत श्री के. के. मुखर्जी द्वारा दायर की गई गिरावत पर अनुबंध में यथा निविष्ट केन्द्रीय सरकार औद्योगिक अधिकारण नं. 2, घनबाब के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-1985 प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4084.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure in respect of a complaint under Section 33A of the said Act,

filed by Shri K.K. Mukherjee, Chief Draftsman (S & C), Regional Institute No. 3, C.M.P.D.I. Limited, Darbhanga House, Ranchi against the Management of Central Mine Planning & Design Institute Limited, Godwana Place, Kanke Road, Ranchi and three others which was received by the Central Government on 9-8-1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Complaint No. 2 of 1983

In the matter of complaint under Section 33A of the
I.D. Act, 1947

(Arising out of Reference No. 8 of 1983)

PARTIES:

Shri K. K. Mukherjee,
Chief Draftsman (S&C),
Regional Institute No. 3,
C.M.P.D.I. Ltd., Darbhanga
House, Ranchi

—Complainant.

Vrs

1. Management of Central
Mine Planning and Design
Institute Ltd., Gondwana
Place, Kanke Road, Ranchi.
2. Shri R. G. Mahendra Chairman
Managing Director, C.M.P.D.I.
Ltd., Gondwana Place, Ranchi
3. Shri N. R. Mitra, Director
(Technical) C.M.P.D.I. Ltd.,
Gondwana Place,
Kanke Road, Ranchi.
4. Dr. R. N. Singh, Regional
Director (HQ),
C.M.P.D.I. Ltd., Gondwana Place,
Kanke Road, Ranchi.

—Opp. Parties.

APPEARANCES:

For the complainant: None.

On behalf of the Opp. Parties: Shri B. N. Akhury,
Personnel Manager.

STATE: Bihar.

INDUSTRY: Mine Planning.

(Dated, Dhanbad, the 31st July, 1985

AWARD

This is a complaint under Section 33A of the I.D. Act 1947 filed by one Shri K.K. Mukherjee, praying that the Opp. Party have been guilty of contravention of provision of Section 33 of the I.D. Act, 1947 and to promote him as Drawing Officer with effect from 1-7-1977 with all consequential monetary and allied benefits.

The case of the complainant is that during the pendency of Reference No. 8 of 1983 pending before this Tribunal the Opp. Party in contravention of Section 33 of the I.D. Act issued officer order dated 31-3-83 promoting Shri G. Remould and DN Banerjee, Chief Draftsman (S & C) to the post of Drawing Officer with effect from 1-7-1977 altering to the prejudice and detriment to the petitioner the condition of service of the complainant. Annexure I to the complaint cement of the reference. The complainant is a workman directly concerned with Reference No. 8 of 1983. The Opp. party filed the W.S. contesting the claim of the complainant stating that they have not contravened any of the conditions of service of the complainant Annexure I to the complaint petition neither deals with any condition of service of the complainant nor does it represent the alteration of the so called condition of service of the complainant to his prejudice. The complaint is not a workman in Reference No. 8 of 1983.

The only point for consideration is whether the Opp. Party has altered to the prejudice of the complainant in such dispute the condition of service applicable to him immediately before the commencement of the reference.

In order to give jurisdiction to the Industrial Tribunal to entertain a complaint under Section 33A read with Section 33(1) (a) it has to be shown in such a case that the matter which was brought before it on complaint by the concerned workman was connected with the dispute which was pending before the Tribunal in Reference No. 8 of 1983. It will appear from annexure I that Shri D. N. Banerjee and G. Remould were promoted to the post of Drawing Officer with effect from 1-7-77. On reference to para 2 of the complaint petition it will appear that neither of the items mentioned in item No. 4, 5 and 7 of Ref. No. 8 of 1983 is in relation to G. Remould and DN Banerjee or in respect of the complainant. The complainant, therefore, has not been able to show in his complaint as to how the Opp. Party has altered the condition of service applicable to the concerned workman and that the said condition of service is a matter connected with a dispute in Reference No. 8 of 1983. In my opinion the case of the complainant is not covered under Section 33 of the I.D. Act, 1947. Even if any inference alteration is drawn from Annexure I of the complaint petition the said alteration cannot be regarded to be any matter connected with the dispute in Reference No. 8 of 1983 and as such the Opp. Party were entitled to alter the condition of service under Clause 2 (a) of Section 33 of the I.D. Act.

The complainant inspite of several adjournment did not appear in this case and as such the Opp. Party was heard ex parte in the absence of the complainant.

In view of the above I hold that the complaint is not maintainable under Section 33 A of the I.D. Act in as much as none of the provisions of Section 33 has been violated by the Opp. Party. Accordingly the complainant is entitled to no relief.

This is my Award.

I.N. SINHA, Presiding Officer
[No. L-19014 (1) 85-D. IV (B)]
R.K. GUPTA, Desk Officer

नई दिल्ली, 19 अगस्त, 1985

का.आ. 4085:—केन्द्रीय सरकार ने यह समाधान ही जागे पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (6) के उपवंधों के अनुसरण में भारत सरकार के श्रम और पुनर्वास मंत्रालय श्रम विभाग की अधिसूचना संख्या का.आ. 708 विनाक 5 फरवरी, 1985 द्वारा इंडिया गवर्नमेंट मिस्ट बम्बई की उक्त अधिनियम के प्रयोजनों के निए 24 फरवरी, 1985 से छ: मास की कालावधि के लिए उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार को यह राय है कि लोकहित में उक्त कालावधि को छ: मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (6) के परत्तुक द्वारा प्रदत्त शर्कियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के निए 24 अगस्त, 1985 से छ: मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करते हैं।

[का. सं. एम-11017/3/85-डी-1 (ए)]

✓ New Delhi, the 19th August, 1985

S.O. 4085.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 708 dated the 5th February, 1985 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months, from the 24th February, 1985;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 24th August, 1985.

[No. S-11017/3/85-D.I(A)]

शुद्धि-पत्र

का. आ. 4086.—भारत के राजपत्र, भाग II, खंड 3, उपबंड (ii) में तारीख 23 मार्च, 1985 को प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1282, तारीख 14 मार्च, 1985 में पैरा 1 की तरिके 8 में "1985" के लिए "1984" पढ़ा जाये।

[सं. एस-11017/4/81-सी-I(ए)]

CORRIGENDUM

S.O. 4086.—In the notification of the Government of India in the Ministry of Labour S.O. No. 1282, dated the 14th March, 1985, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd March, 1985, in line 9 para 1 for "1985" read "1984".

[No. S-11017/4/81-D.I(A)(i)]

का.आ० 4087—केन्द्रीय सरकार ने यह समाधान ही जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि केन्द्रीय शामील बैंक अधिनियम, 1976 की धारा 3 के अधीन स्थापित केन्द्रीय शामील बैंक द्वारा चलाए जा रहे बैंकिंग उद्योग को, जो आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की मर 2 के अन्तर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिये सोक उपयोगी सेवा शोषित किया जाना जाहिये।

अतः आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये छ: मास की कालावधि के लिये तत्काल प्रभाव से सोक उपयोगी सेवा शोषित करती है।

[संख्या एस-11017/2/85-सी-I(ए)]

S.O. 4087.—Whereas the Central Government is satisfied that the public interest requires that the Banking Industry as carried on by a regional rural bank established under Section 3 of the Regional Rural Banks Act, 1976, which is

covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/2/85-D.I(A)]

का०आ० 4088—केन्द्रीय सरकार ने यह समाधान ही जाने पर कि सोकहित में ऐसा करना अपेक्षित है कि आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) के परन्तु शक्तियों के अनुसूचन में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 707 दिनांक 5 फरवरी, 1985 द्वारा फासफोरोइट खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 23 फरवरी, 1985 से छ: मास की कालावधि के लिये लोक उपयोगी सेवा शोषित किया जाये।

अतः अब, आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 23 अगस्त, 1985 से छ: मास की और कालावधि के लिये लोक उपयोगी सेवा शोषित करते हैं।

[का०सं० एस-11017/4/85-सी-I(ए)]

पा.ह०स० अम्बर, अचर सचिव

S.O. 4088.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 707 dated the 5th February, 1985 the Phosphate Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 23rd February, 1985;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 23rd August, 1985.

[No. S-11017/4/85-D.I(A)]
S.H.S. IYER, Under Secy.

